Mr. JONES. I will state that the Senate added $68,000 to the bill as it passed the House. The conferees have reached unanimous agreement, and the House conferees conceded $48,000 of the increase put on in the Senate. One of the increases made by the Senate and not agreed to was $10,000 increase in the amount for the transportation of clerks, and so on, in the Diplomatic Service. The House took the position that the amount that was allowed for that, which was very largely increased over the amount appropriated before, was sufficient. The Senate increased the amount for the Air Service above the Budget estimate by $32,640. The House conferees agreed to an increase of $23,000. They have accepted all the other amendments put on the bill by the Senate.

Mr. ROBINSON of Arkansas. Is the agreement complete?

Mr. JONES. The agreement is complete. I move that the report be agreed to.

The report was agreed to.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 16, 1929

REGISTER OF THE TREASURY

Edward E. Jones, of Harford, Pa., to be Register of the Treasury in place of Walter O. Woods.

UNITED STATES ATTORNEY

Warren N. Cuddy, of Alaska, to be United States attorney, district of Alaska, Division No. 3. (Mr. Cuddy is now serving under appointment by the court.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 16, 1929

REGISTER OF LAND OFFICE

Walter Spencer to be register of land office, Denver, Colo.

POSTMASTERS

CALIFORNIA

Margaret A. Robinson, Kelseyville.

COLORADO

Ira B. Richardson, La Jara.

GEORGIA

Albert N. Tumlin, Cave Spring.
Annie H. Thomas, Dawson.
Hugh T. Cline, Milledgeville.

KANSAS

Ella W. Mendenhall, Ashland.

NEBRASKA

Clifton C. Brittell, Gresham.
Elizabeth Rucker, Steele City.

PENNSYLVANIA

Winston J. Beglin, Midland.

RHODE ISLAND

Alice W. Bartlett, North Scituate.
Elmer Lother, Warren.

TEXAS

Gertrude E. Berger, Boling.
John T. White, Kirkland.
Amanda M. Kenney, Nash.
Charles A. Young, Pecos.
Ernest H. Duerr, Runge.
Lynn E. Slate, Sudan.
Lewis Kiser, Sylvester.
Aaron H. Russell, Willis.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 16, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would meditate, merciful Father, upon Thy condescending attitude toward us. We feel assuredly that Thou dost not leave us out. We may know joyfully that we are encompassed and enfolded within the embracing reach of eternal goodness, the infinite compassion and the unmeasured love of a triumphant God. May our Christian faith have a high moment and rise to a wonderful certainty. We praise Thee for the breadth, the length, and for the depth and the height of Thy all-inclusive mercy. By the might of Thy name and in the strength of Thy truth may we always rejoice in Thy courts. Enable us to meet the day with new zeal and admiration whose wisdom shall be more than our old fondness dreamed. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 12449) entitled "An act to define the terms 'child' and 'children' as used in the acts of May 18, 1920, and June 10, 1922," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

THE EIGHTEENTH AMENDMENT

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, desiring to ascertain the exact benefits brought to the individual citizen of the United States of America through the passage of the eighteenth amendment, I hereby challenge any accredited social organization to produce between now and the close of this Congress a single individual, who was a heavy drinker before prohibition and who now is a total abstainer; or to produce a single family that is now enjoying a fair degree of prosperity that before prohibition was denied the necessities of life because of the excessive indulgence in alcoholic liquors on the part of some member of that family.

Mr. SNELL. Will the gentleman yield?

Mr. SOMERS of New York. I will.

Mr. SNELL. I can present some families who will comply with the gentleman's request.

Mr. CLARKE. And I have some exhibits I would like to put in the RECORD.

Mr. UNDERHILL. Me too!

Mr. WILLIAMS of Illinois. There are millions of them, boy!

Mr. SOMERS of New York. I think the answer may be found when they are presented.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. CULLEN reserved all points of order.

LEAVE OF ABSENCE

Mr. CHASE, at the request of Mr. KENDALL, was given leave of absence indefinitely on account of illness.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was called—

Mr. COLTON. Mr. Speaker, I call up Senate bill 3162, an act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Anthony	Davey	Kerr	Pratt
Auf der Heide	Deal	Kiess	Quayle
Beck, Pa.	Dempsey	Kindred	Ramseyer
Beers	Dickstein	King	Robinson, Iowa
Bell	Douglass, Mass.	Kunz	Sears, Fla.
Berger	Doyle	Lampert	Sirovich
Black, N. Y.	Estep	Lanham	Speaks
Blanton	Gasque	Leech	Stedman
Boies	Glynn	Lindsay	Stevenson
Bowles	Golder	McClintic	Strother
Box	Graham	McFadden	Sullivan
Brand, Ohio	Griest	McSweeney	Swick
Brigham	Hadley	Maas	Tatgenhorst
Britten	Hall, Ill.	Magrady	Taylor, Tenn.
Buchanan	Hammer	Menges	Temple
Buckbee	Harrison	Michaelson	Tillman
Bushong	Hooper	Montague	Underwood
Canfield	Houston	Moore, Ky.	Updike
Carew	Hudspeth	Moore, N. J.	Weller
Carley	Hull, M. D.	Morin	White, Kans.
Cartwright	Hull, W. E.	Newton	White, Me.
Chase	Hull, Tenn.	O'Connor, N. Y.	Wolverton
Cole, Md.	Igoe	Oliver, N. Y.	Wurzbach
Combs	Jacobstein	Palmer	Yates
Connolly, Pa.	Jenkins	Palmisano	
Curry	Kent	Patterson	

The SPEAKER. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

REFERENCE OF H. R. 9770

Mr. COLTON. Mr. Speaker, my attention has been called to the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas, in Douglas County, Oreg., which is the second bill that I had expected to call up to-day. On examination of this bill I am convinced that it should have been referred to the Committee on Roads, and I ask unanimous consent that the report of the Public Lands Committee upon the bill may be vacated and set aside and that the bill may be rereferred to the Committee on Roads.

The SPEAKER. The gentleman from Utah asks unanimous consent that the report on the bill H. R. 9770 be vacated and that the bill be rereferred to the Committee on Roads. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is the Committee on Roads requesting that the bill be referred to it?

Mr. COLTON. The chairman of that committee is here, and I shall ask him to answer that question.

Mr. DOWELL. Mr. Speaker, I rose a few moments ago to ask unanimous consent to speak for five minutes, with the hope of securing later just what the chairman of the Committee on the Public Lands has now asked unanimous consent to have done. This bill is clearly within the jurisdiction of the Committee on Roads, and should have been considered by that committee originally, but was considered, however, by the Committee on the Public Lands. It should be rereferred to the Committee on Roads.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, of course it is a little bit unusual after a bill has been reported and put on the calendar to change the jurisdiction. It has the tendency to delay the consideration of the bill. I do not know what the bill is about.

Mr. COLTON. This bill was reported out before the present chairman of the Committee on the Public Lands occupied that position. It was reported out last spring. This bill authorizes an appropriation to build a road across certain public lands, particularly across a tract of land in a forest reservation in the State of Oregon.

Mr. GARRETT of Tennessee. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I think this will establish a rather unique precedent in the history of the House. The gentleman from Tennessee [Mr. GARRETT] will, I think, agree with that. It is not in order to make a motion to rerefer a bill after a report on it by a committee has been filed; that is, after such report has been filed an objection would be sustained to a request for reference to another committee. Now, here is a bill wrongfully referred under the rule. Every Member of the House is presumed to have had knowledge of the record and therefore of the wrongful reference, and it was the duty of any Member who desired to have the reference changed to make such a request before the committee having the bill in charge had made a report.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. RANKIN. It would be in order at the conclusion of the reading of the bill, would it not, to make a motion to commit it to the Committee on Roads?

Mr. COOPER of Wisconsin. A motion to recommit would then be in order.

Mr. RANKIN. And it could be committed to the Committee on Roads instead of recommitted to the Committee on the Public Lands.

Mr. COOPER of Wisconsin. That is true.

Mr. CRAMTON. While it is true that a point of order would not now lie because of the wrongful reference, I do not understand that it is not possible and entirely proper and, when committees have agreed upon it, desirable that a motion be made for its rereference. Certainly a rereference by unanimous consent would not establish any dangerous precedent.

Mr. COOPER of Wisconsin. Except in this way: Persons interested in the proposed legislation might be aware of the original reference of a bill to a committee and also of the favorable report of that committee and therefore presumably believe it sure of favorable action in the House. They have gone away from Washington, we will say. The bill is ready to be acted upon, but instead it is referred to another committee. The people interested in the bill having departed to their respective homes, its new reference might make a considerable difference. But I shall not object.

Mr. CRAMTON. Mr. Speaker, a presumption that the House will act favorably because of a favorable committee report is rather a violent presumption, particularly in the case of a bill which has been adversely reported upon, as I understand it, by one department, if not two.

Mr. DYER. There was no testimony submitted at the hearing before the Committee on the Public Lands, so that no witnesses are involved.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would ask the distinguished chairmen of these two committees if by this reference we are to understand that in the future all the bills pertaining to roads, trails, and the construction of the same in forest reserves are to go to the Committee on Roads?

Mr. DOWELL. Under the rule all road bills go to that committee, just the same as all immigration matters go before the Committee on Immigration.

Mr. JOHNSON of Washington. Not always. Naturalization affairs I find are sometimes reported by the Committee on Indian Affairs, when the subject matter has referred to Indians; the Committee on Insular Affairs has reported out and passed a bill relating to citizenship in the Virgin Islands. To date have not all bills that pertain to roads and trails in forest reserves come from the Committee on Public Lands?

Mr. DOWELL. No.

Mr. COLTON. I think not. I think the Committee on Roads, of which I happen to be a member, has reported several bills for the construction of roads in forest reserves.

Mr. JOHNSON of Washington. What about roads in national parks?

Mr. COLTON. They come from the Public Lands Committee, because that committee has jurisdiction of national parks.

Mr. JOHNSON of Washington. And who has jurisdiction over forest reserves?

Mr. COLTON. Strictly speaking, the Committee on Agriculture.

Mr. JOHNSON of Washington. It is exactly like the matters pertaining to the committee of which I have the honor to be chairman. They diverge a little bit and come up from various committees. I shall be glad to see more uniformity. If this is to be a precedent, well and good, then we can look for action on roads of every kind in the public domain, which is a large part of the western part of the United States, amounting to more than 50 per cent of the area of many Western States, from the Committee on Roads. Road matters on Indian reservations, parks, and the Federal domain will come from the Committee on Roads, I take it.

Mr. COLTON. No; I would not want to go as far as that.

Mr. JOHNSON of Washington. But the gentleman here waives and agrees and has stated that this clearly belongs to the Roads Committee, and that this committee will have the right to all that character of road construction where Federal money is expended.

Mr. DOWELL. The gentleman is entirely mistaken. This bill is a straight bill and provides an appropriation for building a certain road. It has no relation to any other subject, and the Committee on Roads has jurisdiction.

Mr. COLTON. And would not establish a precedent as to other bills, particularly in areas where the Public Lands Committee has exclusive jurisdiction?

Mr. JOHNSON of Washington. Certainly it would establish a precedent so far as other bills are concerned. Will the gentleman say whether any previous appropriation of Federal money has been spent on this road?

Mr. DOWELL. No; I know nothing about the bill. It has not been before the committee.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose to object, although I think it is pretty well settled that a motion to do this would not be in order. Of course, it can be done by unanimous consent.

The SPEAKER. The Chair entirely agrees with the gentleman.

Mr. KORELL. Mr. Speaker, reserving the right to object in order to ask a question, and that is whether or not this bill does not contemplate important work of a character other than road building?

Mr. COLTON. Mr. Speaker, I understand H. R. 9770 contemplates only road building.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUSBY. For a parliamentary inquiry. On April 2 last year the bill H. R. 8913 was reported favorably to the House from the Committee on Patents. It was placed upon the Consent Calendar on two occasions and stricken from the calendar on objections made. The inquiry I want to now propose is whether or not the bill being on the House Calendar at the present time the Patent Committee has any authority to proceed with additional hearings on that bill?

The SPEAKER. The Chair is inclined to think that the committee could not hold hearings unless the bill was rereferred to the committee for that purpose.

REAPPORTIONMENT

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to revise my remarks made last Friday upon the reapportionment bill and also to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOZIER. Mr. Speaker, during the consideration of the Fenn reapportionment bill reference was frequently made to the several methods of apportioning Representatives among the several States according to their respective populations. The Fenn bill provides for the use of the method known as major fractions. Other methods have been suggested, namely, the method of equal proportions, the method of rejected fractions, and the method of minimum range, each of which has its champions. Quite a number of statisticians and economists of nation-wide reputation appeared before the Census Committee, each explaining in detail his favorite plan, showing its advantages and pointing out the weaknesses and disadvantages of the other methods. Very much to my surprise I found a striking disagreement between statisticians and economists who had devoted many years of diligent study to this question in an endeavor to solve the problem and determine the best, fairest, most equitable, and most satisfactory method. Each plan has been viciously assailed by those who favored other methods, and few men can read the hearings and reconcile the conflicting arguments and reach a definite and satisfactory conclusion entirely in favor of one method or entirely opposed to any other method. In fact, each method has much merit, and I am convinced that neither formula is 100 per cent perfect.

In addition to the methods I have mentioned there are the plans known as the method of least errors and the method of alternate ratios. Much misunderstanding exists both in and out of Congress as to the nature of these formulas and as to how they operate when used in an effort to apportion Representatives among the several States.

I have been requested by quite a number of my colleagues and by not a few newspaper correspondents to explain briefly these various formulas. This I am willing to do in my poor way, not in detail but in general terms. I have been unable to find any complete and satisfying definition of these several formulas, but much has been written and spoken in reference to the manner in which they operate. I have not the time and perhaps not the ability to formulate a complete, satisfactory, or scientific definition of these several formulas, but I will state briefly the principle and purpose on which each is founded, their operation, and the results that flow from the several systems.

I may add that every one of these methods is complicated and each involves somewhat extensive mathematical computations. Only highly cultivated mathematical minds can comprehend the working rules, arithmetic mean, and sliding divisor used in the major-fractions method, or the multiplier, process squaring, taking reciprocals, and square roots involved in the equal proportions formula.

I will now briefly define or rather describe the operation of and principle underlying each of these methods.

REJECTED FRACTIONS

Under this formula all fractions are rejected. If, for instance, the apportionment of Representatives among the States is 1 for 250,000 population, a State with a population of 2,749,000 people would be assigned 10 Representatives, or 1 for each complete bloc of 250,000, but would not get any additional Representative for its fraction of 249,000. This method was used in all apportionments prior to 1840. Thomas Jefferson was a strong advocate of this plan and his brief and argument very strongly supported his contention that under the provisions of the Constitution fractions could not be considered in apportioning representation among the States. In other words, it was his contention that the Constitution did not contemplate assigning an additional Representative to a State for any number of people short of the number adopted as the basis of apportionment and that all fractions, whether major or minor, should be disregarded.

All of our trouble and contention about formulas and methods of apportioning representation could and would have been avoided if we had steadfastly adhered to the Jeffersonian constitutional method. This bitter controversy between economists and statisticians and this uncertainty as to the best method of apportioning representation would have been avoided if Webster and others had not endeavored to add to the constitutional provisions by taking fractional groups into consideration in making apportionments.

EQUAL PROPORTIONS

This is a method by which the relative or percentage differences in either the number of inhabitants per Representative or the number of Representatives per inhabitants are made as small as possible. The method of equal proportions, devised by Dr. Edward V. Huntington, of Harvard University, has never been used in apportioning representation.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the equal-proportions method as follows:

(1) In making an apportionment by the method of equal proportions the first step is to assign one Representative to each State, thus fulfilling the requirement of the Constitution that each State shall have at least one Representative. This disposes of 48 Representatives.

(2) The next step is to divide the population of each State by the following quantities in succession: $\sqrt{1\times2}$, $\sqrt{2\times3}$, $\sqrt{3\times4}$, etc.

(3) The quotients thereby obtained are arranged in order of size, beginning with the largest, to form what is called a priority list, which indicates the order in which Representatives in excess of 48 shall be given out to the States. Representatives are then assigned in that order until the required number has been given out.

The above process produces a result in which the necessary deviations from exactness are as small as possible when measured by the relative or percentage difference in either the ratio of population to Representatives or the ratio of Representatives to population.

Prof. E. V. Huntington, of Harvard University, who originated the method of equal proportions, describes his system—

as the only method which insures that (1) the ratio of population to Representatives, and (2) the ratio of Representatives to population, shall be as nearly uniform as possible among the several States.

On account of fractions or remainders in the exact quotas a mathematically exact apportionment according to population is impossible. That being the case the aim should be to make an apportionment in which the necessary deviations from a mathematically exact apportionment shall be as small as possible.

It is evident, then, that the essential difference in the two methods is in the mode or method of measuring deviations or divergencies from exactness, the method of equal proportions using as a measure the relative or percentage difference in either of the ratios while the method of major fractions uses the absolute or subtraction difference in the ratio of Representatives to population.

MAJOR FRACTIONS

This plan rests on finding a ratio which will divide the population of each State so as to give a certain whole number and a certain fraction in each quotient. The plan rests on the theory that a Representative should go to each State for each unit in the quotient, and also for each fraction above 0.50 in the remainder. It may be otherwise defined as a method by which the absolute differences between the several States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions is designed to accomplish in the end.

As laymen understand the term, the major-fractions method operates in a general way, as follows:

If, for instance, representation is apportioned on the basis of 1 Representative for every 250,000, then a State with a population of 2,626,000 would be entitled to 10 Representatives for the first 2,500,000 population and an additional Representative for the remaining 126,000 population, because the fraction or remainder, 126,000 is more than one-half of 250,000 the unit or basis of representation. But mathematicians and economists have extended and refined this so-called major-fractions formula by mathematical processes in which certain quotients are arrived at and which are used as the basis for apportionment and which are different from the exact quotas to which the several States are seemingly entitled, and as a result of this refined method frequently a State with a larger major fraction is not allowed an extra Representative and a State with a smaller fraction is given an additional Representative. Major-fractions method is supposed to apply the principle of counting the remainder when it is more than one-half of the unit or basis of representation, but in its practical application this is not necessarily done, as for illustration in apportioning representation in the 1910 census major fractions were disregarded in apportioning Representatives to Mississippi, New Mexico, Ohio, and Texas, the exact quotas of these four States being "scaled down" by mathematical processes, and States with smaller major fractions given extra representation. The method of major fractions was used twice, in 1843 in apportioning representation under the 1840 census, and in 1911 in apportioning representation under the 1910 census.

The major-fractions formula used under the 1910 census was devised by Dr. Walter F. Willcox, of Cornell University, and is an amplified form of the major-fractions method used under the 1840 census.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the major-fractions method as follows:

(1) Here, as in the method of equal proportions, the first step is to assign 1 Representative to each State, making 48 in all.

(2) The next step is to divide the population of each State by the following quantities in succession: 1½, 2½, 3½, etc.

(3) The quotients thereby obtained are then arranged in order of size, beginning with the largest and continuing the process until the total number of quotients plus 48 is 1 greater than the number of Representatives to be apportioned.

(4) The next step is to divide the population of the several States by a number midway between the last two quotients in the list.

(5) The last step is to assign to each State a number of Representatives equal to the whole number in the quotient which was obtained for that State by the above division plus one more Representative in case the quotient contains a major fraction.

This process gives a result in which the necessary deviations from exactness are as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

THE VINTON METHOD

[Named after Congressman Vinton, who proposed it]

Under this method the total population of the United States is divided by the number of Representatives to be apportioned. This gives the ratio or number of inhabitants per Representative. The population in each State is then divided by that ratio number. The result represents the exact quotas, and taking these quantities, you assign Representatives in the order of the size of the fractions. For instance, suppose there were 10 Representatives to be assigned for fractions, the first Representative would be given to the State with the largest fraction, and the next to the State with the next largest fraction, and so on until all the Representatives were allocated. This process might use up all the major fractions and no more; or it might not use up all these major fractions; or it might use up all the major fractions and one or two minor fractions. This method was used in apportioning representation from 1850 to 1900, inclusive.

MINIMUM-RANGE FORMULA

The minimum-range formula, also devised by Dr. Walter F. Willcox, is a method by which absolute difference between the several States as measured by the number of inhabitants per Representative is made as small as possible. The main purpose of this formula is to give the congressional districts as nearly as possible the same population, so far as Congress by apportionment can bring about that result. It is based on the ratio of population to representation and respects the ratio of Representatives to population. The minimum-range methed has never been used in apportioning representation.

Two other methods of apportioning representation have been devised, but never used:

(a) Method of least errors, formulated by Prof. F. W. Owens, of Cornell University, gets about the same result as the major-fractions method.

(b) Method of alternate ratios, devised by Dr. J. A. Hill, of the Bureau of the Census. This method was recommended by Dr. E. Dana Durrand, then Director of the Census, for adoption in 1911. The method of equal proportions is virtually a modification or refinement of the method of alternate ratios.

In 1921, when the Senate Committee on the Census was considering an apportionment bill based on the 1920 census, its chairman, Senator Sutherland, received a communication from the census advisory committee, which had been appointed to advise the Director of the Census on technical questions coming up during the taking of the 1920 census. This committee was composed of three representatives from the American Statistical Association and three representatives from the American Economic Association. The members of this committee were C. W. Doten, E. F. Gay, W. C. Mitchell, E. R. A. Seligman, A. A. Young, and W. S. Rossiter, all eminent statisticians and economists. In its detailed and well-considered report, which was unanimous, the committee of experts analyzed the methods of major fractions, equal proportions, and other suggested formulas, explained the principle, operation, strength, and weakness of each plan, and reached the following conclusions:

1. The "method of equal proportions" leads to an apportionment in which the ratios between the representation and the population of the several States are as nearly alike as it is possible. It thus complies with the conditions imposed by a literal interpretation of the requirements of the Constitution.

2. The "method of major fractions" has back of it the weight of precedent. Logically, however, it can be supported only by holding that the Constitution requires, not that the ratios between the representation and the population of the several States shall be equal, as nearly as is possible, but that the representation accorded to individuals or to equal groups of individuals in the population (that is, their "shares" in their respective Representatives) shall be as nearly uniform as is possible, irrespective of their places of residence.

3. It is not clear that the special interpretation of the Constitution, which alone is consistent with the use of the "method of major fractions," is to be preferred to other possible special interpretations which lead to other methods of apportionment. We conclude, therefore, that the "method of equal proportions," consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the "method of major fractions."

The advisory committee concluded its elaborate report with the following:

SUMMARY

1. It is clear that the Constitution requires that the allocation of Representatives among the several States shall be proportionate to the distribution of population. It is not equally clear that there is anything in the constitutional requirement which suggests that one of the forms in which such apportionment ratios or proportions may be expressed should be preferred to another.

2. The "method of major fractions" utilizes only one of several ways of expressing apportionment ratios. The "method of equal proportions" utilizes all of these ways without inconsistency. The latter method, therefore, has a broader basis.

3. There is no mathematical or logical ground for preferring the one form of expression of the apportionment ratio used in the method of major fractions to other forms of expression. These other forms lead, when similar processes of computation are employed, to different and therefore inconsistent results.

4. The method of major fractions logically implies preference for a special meaning which may be attached to one of the forms in which apportionment ratios may be expressed. To attach to ratios meanings which vary with the forms in which the ratios are expressed is to interpret them as something else than ratios.

5. In the "method of major fractions" the "nearness" of the ratios of representatives and population for the several States is measured by absolute differences. The "method of equal proportions" utilizes relative differences. The relative scale is to be preferred.

In his testimony before the Census Committee Doctor Hill, of the Census Bureau, defined the three principal methods of ap-

portioning Representatives among the States and the advantage and disadvantage of the several methods as follows:

In conclusion, on the basis of what I have said I might frame a definition of the three methods I have mentioned, including the method of minimum range. I am defining not the mathematical process of the methods but the purpose each method accomplishes.

The method of major fractions is the method by which the absolute differences between the different States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions accomplishes in the end.

I will define the method of minimum range as the method by which absolute differences between the several States as measured by the number of inhabitants per Representative are made as small as possible.

The method of equal proportions is the method by which the relative or percentage differences, in either the number of inhabitants per Representative or the number of Representatives per inhabitant are as small as possible.

Those are technically correct definitions. I might say more about the third method.

Comparing the three methods, the method of equal proportions is more—I will use the word favorable—is more favorable to the small States than the method of major fractions and less favorable than the method of minimum range.

The method of equal proportions is more favorable to the large States than the method of minimum range and less favorable than the method of major fractions. Thus, it occupies an intermediate position between the other two.

The practical results of the application of the three methods may therefore be summed up as follows: If it be desired to have a method which shall be as favorable to the large States as possible then the method of major fractions should be used. If it be desired to have a method that will favor the small States as much as possible, then the method of minimum range should be used. If it be desired to adopt a method intermediate between these two, not as favorable to the large States as the method of major fractions, nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I submit the following additional observations:

There is a wide disagreement among statisticians, mathematicians, economists, and plain, common-sense people as to the correct, best, and most equitable method of apportioning Representatives among the several States. Seemingly this conflict is irreconcilable. This contention and bitter battle between experts grows out of and is the inevitable result of an effort on the part of statisticians and economists to inject fractions and complicated mathematical computations into what should be a simple problem of allocating to the several States the Representatives to which their population entitles them. The effort to give a State or any number of States additional representation because of a fraction of population, major or minor, is an apple of discord which will be thrown into the apportionment problem every 10 years to confuse the issue and prolong the battle between experts as to refined formulas, infinitesimal computations, and complicated scientific methods of making apportionments.

When you adopt either the major-fractions formula or the equal-proportions formula you depart from exact quotas and from an equitable, just, fair, simple, and constitutional method of allotting representation among the several States. Representation should be based upon exact quotas, and not on "scaled-down" fractions or intricate mathematical computations which under either method may easily convert a major fraction into a minor fraction. When you abandon the rejected-fractions formula and adopt either the equal-proportions or major-fractions formulas you are traveling away from an equitable, simple, fair, and exact apportionment based upon quotas according to population. Mr. Jefferson was the great exponent of the rejected-fractions formula, while Mr. Webster championed the major-fractions method. All of our trouble, all of our worries and contention, all of our controversies and pitched battles between statisticians, mathematicians, and economists are the inevitable result of our having abandoned the simple formula recommended and strenuously championed by Mr. Jefferson to the effect that both major and minor fractions should be disregarded in apportioning representation. I strongly urge the abandonment of the major-fractions formula, the equal-proportions formula, and all other methods that take fractions into consideration. Wisdom suggests that we return to the hard and inflexible, but, nevertheless, just basis of rejected fractions, which is fair to each of the States and does not give any State an advantage or place any State under a disadvantage as a result of complicated mathematical computations involved in all of the formulas which contemplate a recognition of fractions in apportioning representation.

When the pending bill was being considered by the Census Committee I called attention to the brief and argument by Thomas Jefferson on the congressional apportionment bill of 1792, in which he vigorously, and I think persuasively, opposed the recognition of major fractions in the apportionment of Representatives to the several States based on population. I also called attention to the great speech made by Daniel Webster in the United States Senate in April, 1832, on a congressional reapportionment bill, in which he strenuously contended for a reapportionment formula which recognized major fractions.

I was requested by the committee to put in the record the data as to where these great arguments by Mr. Jefferson and Mr. Webster could be found, and this I was glad to do.

Mr. Jefferson's argument is found in Story's Commentaries on the Constitution of the United States, fifth edition, volume 1, pages 495 to 500, inclusive; also in Ford's Life of Jefferson, volume 5, page 493. Mr. Webster's argument is found in the same volume at pages 500 to 512, inclusive. I may add that Edward Everett's speech supporting the contention of Mr. Webster can be found in the CONGRESSIONAL RECORD, issue of May, 1832.

My recollection is that Mr. Jefferson's argument and Mr. Webster's speech are reproduced in haec verba in Mr. Foster's work on the Constitution, and, of course, the speeches of Webster and Everett appear in the reports of the congressional debates.

I think I have heretofore stated in discussing this question that President Washington vetoed the first census bill because it recognized fractions in apportioning representation among the several States. This veto was on the advice of and after a conference with Thomas Jefferson, his Secretary of State, John Randolph, his Attorney General, and James Madison, the principal creator of our Federal Constitution, and, according to Mr. Jefferson, these three men prepared the veto message. In advising President Washington to veto the first census bill which recognized major fractions, Mr. Jefferson says he—

urged the danger to which the scramble for fractionary members would always lead.

In a letter to Archibald Stuart on March 14, 1792, Mr. Jefferson, in opposing the use of fractions in allocating Representatives among the several States, said:

Besides, it takes the fractions of some States to supply the deficiency of others and thus makes the people of Georgia the instrument of giving a Member to New Hampshire. On our part the principle will never be yielded, for when such obvious encroachments are made on the plain meaning of the Constitution the bond of union ceases to be the equal measure of justice to all of its parts.

I can not refrain from again expressing my conviction that in the interest of popular government and efficient translation of the public will into legislation it is necessary to increase the membership of the House. Under our system of procedure in the House and with our Committee on Rules and our steering committee of the majority party a House of 500 or 600 Members would not be unwieldy. This system of legislative procedure is so well entrenched in the House and functions so efficiently that the addition of 50, 75, or even 100 or more Members would not militate against the expeditious dispatch of legislation in the House. It will not be denied that the House with a membership of 435 functions more efficiently and enacts legislation more promptly than the Senate, which has a membership of only 96. Nine times out of ten the delay in enacting legislation occurs in the Senate and not in the House, and the defeat of legislation demanded by the public is generally brought about by the action of the Senate and not by the action of the House.

Again, with the tremendous increase in our population, the enormous development of our industrial and commercial activities, the creation of innumerable commissions, bureaus, and departments of Government, the participation of the Government in business and the active interest of business in government—all these conditions have combined to bring about a situation where the departmental business of the average Congressman has increased very greatly over what it was in the past, and over similar official activities of the members of legislative assemblies in foreign countries.

The rapid and enormous extension of the activities of our Federal Government in new fields, the ever-increasing participation of business in government and the enormous increase of Government business has added several hundredfold to the labor and responsibilities of a Member of Congress, who is the agent and should be the dependable spokesman and representative of his constituents in the true sense of that term. The Member of Congress is the instrumentality by which his constituents get in contact with the Government on matters involving not only legislation and taxation but pensions, post office, and Rural Free Delivery Service, veteran legislation, departmental matters, and scores of other agencies that touch and materially affect the interest of the people; and while Congress in recognition of the

increase of departmental duties has increased the clerical force of Representatives and Senators, nevertheless much of this work must come under the immediate and personal supervision of the Member of Congress, and much of it can not be delegated or intrusted to his clerical force. The people have a right to demand that their business with the Government have the personal attention of their Congressman, because of his ability to get better results for them than if the matters in which they are interested are left to the attention of a clerk or secretary. Undoubtedly the smaller the legislative body the more easily it can be controlled by the sinister and sordid interests and the more readily it will yield to corrupt appeals and venal influences.

By increasing the membership of the House, within reasonable limits, of course, you will draw "fresh blood" from the country—men who come fresh from the people who know the needs of the people, and who have the courage and ability to champion the cause of the masses. If we should add 75 to the House membership and if this increase would bring into the Government service two or three men with genius for government and legislation equal to that possessed by Champ Clark, Joseph Cannon, Claude Kitchin, James R. Mann, Martin Madden, Joe Byrns, Finis Garrett, John Garner, and others equally distinguished in the realm of statecraft, would not the acquisition of the brains of these two or three new Members and the employment of their genius in legislative matters be worth infinitely more to the Government and to the people than the entire cost of such increase in membership?

If popular government is to be successful, it is absolutely necessary to interest the masses in governmental matters and *in voting*, and they should know their Representatives.

And that result will be brought about more easily by not having a Representative in Congress represent too many people or too large an extent of territory. The arguments against the increase of the membership of the House are arguments against large legislative assemblies. It is true that in all the history of the world since people began to strive for popular government, bureaucrats and those who did not believe in the masses having a voice in governmental matters, have always been opposed to large representative assemblies, and attempted in all nations and in all ages of the world's history to confine governmental activities to a favored class, to the highborn, or at least to a small body of men that could be more easily controlled than large legislative assemblies.

I think that a study of the history of the world shows that those who have been opposed to popular government have always used the argument that the masses were not capable of self-government, and that a large legislative assembly can easily be converted into a mob. In that connection I call your attention to the fact that this very question was discussed in the Constitutional Convention, and it was there argued very convincingly that the success of free government would largely depend upon having a large representative assembly; that is, a House with a large membership drawn from all parts of the country, directly from the people, so that all vocational groups would at least have a fair representation in Congress.

And with the tremendous increase in our commercial and industrial population, if the membership of the House be confined to 435, in each succeeding census and apportionment, the representation of the agricultural States and agricultural groups will become less and less in each succeeding reapportionment, until ultimately the numerical representation of the agricultural classes will be nominal and negligible.

To illustrate: If the formula of 435 is adhered to, I believe in 25 years the cities of St. Louis and Kansas City, and their environs, on a population basis, would send to Congress at least three-fourths of the total number of Representatives from that State. While you can not by any system prevent this disparity, you can adopt a system which will give to each vocational group a fair and just numerical representation, and it is important that every group, every vocational class, have such numerical representation in the House as may be reasonably necessary to protect the interests of each and every vocational group.

I am not advocating soviet representation. I am advocating an apportionment that will reduce to a minimum the disparity between the representation of industrial classes and the agricultural classes. You can not prevent the disparity but you can adopt a system which will give to the agricultural classes a reasonable and sufficiently large numerical representation to enable them to present the cause of agriculture when legislation is pending that affects the interests of that great industry.

It can be done by allowing one Representative in the House for every 250,000 inhabitants. Under the present apportionment in Missouri 4 of the 16 Congressmen represent industrial and commercial communities. Twelve of them represent agricultural communities.

In each census the population of these commercial and industrial centers is going to increase and ultimately outrun the population of the agricultural communities. While giving to the commercial and industrial centers increased representation according to their population, you should not reduce the representation of any State below its present quota. If you unalterably fix the membership of the House at 435, it is inevitable that the agricultural States will have their representation reduced in every succeeding apportionment until in 25 or 50 years the agricultural States will only have a nominal or negligible representation.

If you limit the membership of the House to 435, in 25 years from now the number of Representatives from Iowa would probably be reduced to five or six. Can it be contended that the time will ever come when the great agricultural State of Iowa would only be entitled to five or six Representatives? And yet that situation is inevitable if the membership of the House is to be arbitrarily limited to 435.

With the membership limited to 435 it is only a question of a comparatively few years until the great cities will practically monopolize the State's Representatives in the House. The State will be carved into districts to which perhaps a string of rural counties will be added, but the population of the city will be largely in excess of the country population, which means that the cities will control the nomination and election of the Representatives. This means that the rural sections will be shorn of their influence and serve only as ballast or as a tail to the kite of the predominating city population. You can not remedy this evil by the "shoe-string system" of laying out congressional districts. This system would be ineffective for the reason that in every instance the industrial and commercial population in the district would predominate and constitute an overwhelming majority, so that the agricultural classes in the shoe-string district would have about as much chance to dominate the industrial classes as the tail of the dog has to wag the dog. I am looking forward into the future and visualizing the ultimate and inevitable results that will flow from limiting for all time the membership of the House to 435. If we place the membership of the House in a strait-jacket, and by a general law decree that never hereafter shall the House of Representatives contain more than 435 Representatives, you have adopted a formula which within the next 25 or 50 years will reduce the representation of Kansas, Iowa, and of Nebraska to five or six Congressmen, and the representation of all other agricultural States proportionately.

While we can not change the ratio of representation or give any State larger proportionate representation than it is entitled to under the constitutional mandate and we can not prevent the numerical disparity between the industrial States and agricultural States, we can nevertheless adopt a formula or basis of representation which, while it will not give to the agricultural States as many Representatives as the industrial and commercial States have, it will numerically increase the representation of the agricultural communities and give the agricultural States a sufficient number of Representatives to properly present the cause of agriculture in Congress.

To emphasize my position, may I say this? The fewer number of Representatives in the House the greater is the real or effective disparity between the industrial and commercial classes, on the one hand, and the agricultural classes on the other. You might adopt as a basis of representation, say, 1,000,000 population. That would give Missouri four Representatives. It would give Iowa two or three, and other agricultural States a very greatly reduced representation. Now, I am not contending that Missouri and Iowa and Nebraska shall each have as many Representatives as the larger States. I am not insisting that the agricultural classes shall have as many Congressmen as the more numerous industrial and commercial classes, because the agricultural population is not as great as the industrial and commercial groups. But I am contending that the time never will come in the history of the United States Government, with the increase in population and the tremendous development of our industrial and commercial and governmental activities, when Iowa ought to have less than 11 Members.

The time will never come when Kansas ought to have less than eight Members. The time will never come when Missouri ought to have less than 16 Members. By limiting the membership to 435, Alabama, Indiana, Iowa, Kansas, Kentucky, Missouri, Mississippi, Maine, Louisiana, and probably all the other agricultural States would lose representation in every succeeding apportionment, and the influence in legislative matters of these and other agricultural States would rapidly decline.

And while it is perfectly right and proper to give the industrial States that are rapidly increasing in population additional representation, no formula should be adopted that will put Wisconsin, Kansas, Missouri, Iowa, Alabama, Mississippi, Indiana, and other agricultural States in a strait-jacket and ultimately reduce their Representatives to a mere handful of men. These States not only want their proportionate part of all the Representatives but they want a basis of representation that will give them a sufficient number of Representatives to safeguard their interests in Congress.

While I would not favor a policy that would deprive the cities of their just proportion of Representatives, I favor a basis that will give the rural districts adequate numerical representation; that is to say, a system or basis that, while not giving to the agricultural sections more than their proportion of the Representatives, would nevertheless give them a larger number of Representatives or more adequate numerical representation, to the end that the rural sections may always have on the floor of the House a sufficient number of Representatives to adequately reflect their will, plead their cause, and protect their interests.

By the plan I advocate you would not remove the disparity in the number of Representatives between the industrial and agricultural sections, but you would reduce the evil effects of this disparity. A House with a larger membership would not give the agricultural States more than their proportionate part of the total number of Representatives, but it will give them a larger physical or numerical representation; not more Members proportionately, but a larger numerical body of Representatives to plead their cause and reflect their will.

Or to state the proposition in another way, under my plan you get a Congress with a larger membership, but in that larger body each vocational group will have a larger numerical representation and will be able to present its cause more efficiently than if such representation were reduced one-half or one-third. I am vigorously opposed to any legislation which will put the American people in a strait-jacket as to the number of members of the House. The present Congress does not possess such a monopoly on wisdom as to authorize it to speak ex cathedra and decree that the House of Representatives shall never have more than 435 Members. We have no authority in law or morals to foreclose the power or right of some succeeding Congress to increase or decrease the membership of the House. Our efforts so to do will be futile.

Most people who oppose increasing the membership of the House have made only a superficial study of the reapportionment problem which means that their conclusions are hastily drawn and obviously unsound. There are many, many reasons why the membership of the House should not be held down to 435. A House with a membership of less than 500 would not and could not be truly representative of 123,000,000 American people engaged in diversified occupations, and whose interests are so conflicting that with a less number all the great vocational groups could not have a voice in the enactment of legislation vitally affecting their welfare.

A House of 500 Members would allow one Member for each State (as required by the Constitution) and an additional Representative for every 272,000 population. No Congressman, however industrious and painstaking, can efficiently represent more than 272,000 people. A constituency of 272,000 would, as a rule, be homogeneous or composed of people belonging to the same general class or vocation and have the same interests, and similarly affected by legislation. The Representative of a district of this kind could speak the language of practically all of his constituents, which he could not do if he represented a district with half a million population engaged in different callings, having conflicting interests, and being affected differently by proposed legislation.

A district of 272,000 population or less would probably be exclusively agricultural or exclusively commercial and industrial, and its Representative would not be compelled to choose which master he will serve, because his constituency will probably be practically of one mind on all legislative proposals. On the other hand a district with a population of 500,000 would probably be composed of industrial and agricultural groups with approximately the same numerical strength. The legislation favored by one vocational group would probably be opposed by the other groups. In this situation the Representative would be compelled to choose between these groups in charting his legislative course, and in meeting the demands of one group of his constituents he would be compelled to disregard and neglect the interests of the other large vocational groups in his district. In serving the industrial groups in his district he would frequently be compelled to vote for legislation detrimental to his constituents engaged in agricultural pursuits; or in voting for legislation in the interest of his agriculture constituents he would often have to disregard the interests and demands of the industrial classes in his district.

I can not overestimate the ever increasing governmental activities in matters directly affecting the people. Each year more and more of the time of Members of Congress is required to represent their constituents in departmental matters relating to postal service, rural free delivery service, pensions, soldiers' compensation, veteran affairs, transportation, immigration, and dozens of other departmental or bureau activities that require an ever increasing amount of the Congressman's time. I wish some of these editors and students of public affairs who are insisting that the membership of the House is now too large could be at my side and follow me for a week as I attempt to perform my duties, not only on the floor of the House and on committees but in the study of bills and proposed legislation and in matters before the departments, bureaus, commissions, and other Government agencies. I am sure that after close observation of the daily work of an average Congressman these carping critics would be disillusioned and would have a different conception of the work that a Congressman must perform in order to meet the demands of his constituents and be even a small factor in legislative affairs. I wish they could see my daily mail and understand the requests that come from my constituents and the multitude of reasonable and proper appeals that come to me for this or that service in the departments, bureaus, and commissions. I am confident they would be weary after keeping at my heels for a week, often working 16 or more hours a day; and what I do is done by every other Representative who strives to efficiently serve his constituents.

The smaller the membership of a legislative body, the easier it is to wrongfully influence and control that body. Every beneficiary of special privilege in America wants a House of Representatives with a small membership—the smaller the better for him, and the less trouble to manipulate. Every selfish, sordid, sinister, cynical, and baneful influence in America champions small legislative assemblies, because the smaller the membership the easier it is to control and the fewer men they have to "fix" or influence to thwart the public will and accomplish their venal purpose. Every reactionary individual and influence in the United States favors a small House of Representatives, because it is harder to corrupt, control, or wrongfully influence large assemblies than small ones. All comparatively small assemblies are controlled by a few "key men." In all ages of the world's history those who make merchandise out of patriotism and use the agencies of government for the accomplishment of their selfish purposes have opposed large representative assemblies, because in large legislative bodies there will be a larger number of far-seeing, progressive, and incorruptible men to protect the public interest and prevent the plunder of the Public Treasury.

In a letter to Thomas Mann Randolph, March 16, 1792, Thomas Jefferson stated one reason why he was in favor of a large House of Representatives. He said:

> The fate of the representation bill is still undecided. I look for our safety to the broad representation of the people which that—
>
> Meaning a House with a large membership—
>
> shall bring forward. It will be more difficult for corrupt views to lay hold of so large a mass.

But, gentlemen, there is another reason why I can not bring myself to vote for the pending bill. It delegates to the Secretary of Commerce a duty that the Constitution places on Congress. It is a constitutional prerogative and duty of Congress to apportion representation among the several States according to population. That prerogative, that duty, that right Congress should not and, in my opinion, can not legally delegate to a Cabinet officer. The pending bill involves what I consider a supine surrender to bureaucracy and an abandonment of the constitutional functions of Congress. By passing this bill Congress is proclaiming to the world its pusillanimity, inefficiency, and abrogation of its plain constitutional duties, and its lack of confidence in future Congresses to perform their constitutional duty.

It will not do to say that we are only delegating the performance of a ministerial duty. Under the system that this bill sets up it will be within the power of the Secretary of Commerce to manipulate the population statistics so as to wrongfully favor one State at the expense of another. The changes of a few figures in the enumeration of 123,000,000 people will increase or reduce the total population of a State so as to change a major fraction into a minor fraction or to increase the size of the major fraction of one State at the expense of another State; and all this can be done in the dark, under cover and without any probability of the wrongful changes ever becoming known to the public. The grave abuses that a corrupt or partisan official or clerk in the Census Bureau can make under cover could

and would take from one State a Representative and electoral vote to which it is entitled and give that Representative and electoral vote to another State not entitled to it. I believe that Congress, on reflection, will be heartily ashamed of having enacted this humiliating and debasing measure and will repeal it as soon as reason ascends the throne and sober judgment again controls their deliberations.

I believe when Congress passes a reapportionment bill it should be in truth and fact a reapportionment bill. I repeat what I have frequently stated, that I will vote for a reapportionment bill immediately after the 1930 census is taken, and while I favor an increase in the membership of the House, if that increase can not be secured I will then vote for a reapportionment under the 1930 census based on the present membership.

IMPROVEMENT OF OREGON CAVES, SISKIYOU NATIONAL FOREST, OREG.

Mr. COLTON. Mr. Speaker, I renew my request to call up the bill S. 3162.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the same.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With committee amendments as follows:

Page 1, line 3, strike out the word "be" and insert the word "is"; and on page 2, after line 4, insert a new section, to be known as section 2, and to read as follows: "SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The CHAIRMAN. Under the rules two hours are allowed for debate, to be equally divided between those favoring and those opposing the bill. The gentleman from Utah [Mr. COLTON] is recognized for one hour.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. HAWLEY].

The CHAIRMAN. The gentleman from Oregon is recognized for 10 minutes.

Mr. HAWLEY. Mr. Chairman and gentlemen, the Oregon Caves are situated in the southwestern corner of the State of Oregon in the Siskiyou National Forest, and are great natural caverns in a mountain system. They are approached at the present time through one entrance. A road has been constructed to the caves. The attendance of late years has greatly increased, so that last year over 23,000 persons visited the caves. The Oregon State Highway Commission is now prepared to spend additional funds enlarging this road on account of the increased traffic and to provide the caves with another road to be known as the Redwood Highway, from California. The traffic has continually grown, and everyone who has visited the caves is impressed with their beauty.

The purpose of the bill is to make the caves more accessible. The filtration of the waters during the winter covers the floors of these beautiful caves in some parts with slime, making it dangerous for the people who desire to visit the caves to do so, and covers the sides of the caves with material that seriously impairs their beauty. But with the water system that is proposed to be installed, the sides of the cavern will be cleaned, thus exposing the beauties of the coloration, and the débris and mire underfoot will be washed out.

It is proposed to put in a small hydroelectric system which will furnish enough power both to wash the caves, which is a small item, and to afford light. In the caves there are places where there are deep descents, and some of them can not now be easily negotiated. It is desired to put in some steel or iron ladders in such places and to rail off certain deep abysses, and also to light the caves so that the people may have the opportunity to see the beauties of the caverns.

The Forest Service, for the obvious reason that these caves are located in the midst of a national forest, has refused to allow torches to be used in the caves, which was the method of lighting them until a recent date. By these means, with the expenditure of a small amount of money, the caves can be made safe, and other caverns can be opened with only a slight expenditure. Some of the most beautiful chambers are now closed up and are accessible only through narrow openings, through which it is very difficult for many to pass through. These will be made available.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BACON. Are these caves and caverns part of a national park?

Mr. HAWLEY. It is a national monument administered by the National Forest Service. It is proposed to create an entrance on the other side of the cavern. This legislation will protect life and limb, open up new caverns to visitors, and create an additional entrance, so that the people can go in at one end and out the other without retracing their steps, and this will also avoid congestion of visitors looking into the caverns.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SCHAFER. I note in the committee report a letter from the Acting Secretary of Agriculture under date of March 7, 1928, in which it is stated that the legislation proposed in this bill would be in conflict with the financial program of the President. Has the President changed his views since the date of that letter, March 7, 1928?

Mr. HAWLEY. So far as I know, I do not know that he has.

Mr. SCHAFER. The gentleman has no knowledge of the reasons for the opposition?

Mr. HAWLEY. Only that is it in conflict with the present policy of expenditure. But this is such a necessary thing for the development of these caves, and for the accommodation of a growing number of visitors who travel over the highways named and who desire this improvement, that the expenditure is justified.

Mr. BACON. No one has jurisdiction over these caves except the Federal Government?

Mr. HAWLEY. No one except the Federal Government, through the Forest Service.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, my purpose at this time is to point out that in passing this bill we embark on a policy, of which I approve, of preserving our national resources and places of scenic beauty, and for that object making use of public funds. These places of natural beauty are of great educational value.

A few days ago on the Consent Calendar we had a bill providing for exactly the same purpose at Mammoth Cave, Ky. I believe that we should be fair in these matters and that all these propositions that are alike should be treated alike. It so happens that the Mammoth Cave in Kentucky does not come under public land, and therefore the bill went to another committee. Objection was made to the consideration at the time. If my memory serves me correctly the objection was based on the question of policy—whether the Federal Government should finance the conservation or preservation of a natural cave. I believe that it should, especially of a cave of the size, importance, and beauty of Mammoth Cave. In approving of the bill now before us I hold that we approve that very policy. The question of cost does not really enter into such propositions.

Notwithstanding the financial program of the President—and I say that with all due deference—the control of public funds and responsibility for the expenditure of same are entirely with Congress, and in considering these matters we should treat all of these cases alike. So I hope that either on the proper Calendar Wednesday or by a special rule the bill authorizing appropriations for doing the same kind of work at Mammoth Cave, Kentucky, will be brought before the House, so that the House will have an opportunity to vote on it and approve it. After all, a thousand years from now neither history nor anyone else will know or care much about the financial program of a well-meaning public official of our day; but a thousand years from now the people of that age will know and care if we properly and prudently conserved our natural resources and preserved the natural beauty of our country.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the bill before us has not aroused my enthusiasm, and in part for the reason emphasized by the gentleman from Wisconsin, that it is in conflict with the President's financial policy. Also, I have not liked the form of the bill. I am not sure what the policy is to be in the administration of these caves. I am not very well informed as to the rules which obtain in the handling of recreational areas in national forests. I have had some contact with that question in the national parks but not as to national forests. The policy that is obtaining at the present time with reference to caves administered in the National Park Service is to charge an admission fee, for the reason that guides are always required to handle the parties, and so forth. So a fee is charged. A fee is charged at the Wind Cave National Park in South Dakota, and a charge is made at the Carlsbad Caverns National Monument in New Mexico, which is probably, and, I think, without question, the most wonderful and the most beautiful underground display to be found in the world. The receipts are used in the development and maintenance of the monument or the park.

I have suggested to the gentleman from Oregon an amendment to make it clear that such a policy should obtain with reference to these caves, the amendment being to add at the end of section 2, the section which sets forth the authority of the Secretary of Agriculture to prescribe such rules and regulations as may be necessary to administer the provisions of the act, the following language:

Including the fixing of charges for admission to said caves sufficient to maintain and develop them.

Mr. HAWLEY. I will say to the gentleman that I have no objection to that at all, because I think that is the present practice.

Mr. CRAMTON. I think that is likely to be the practice, but I should like it to be definite, and because I understood that to be the attitude of the gentleman from Oregon, I have not felt justified in opposing the bill, and I think very possibly that might modify the attitude of the Budget and the attitude of my friend from Wisconsin [Mr. SCHAFER].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LAGUARDIA. Has it been the practice at any time in the past to lease such caves or other natural places of beauty?

Mr. CRAMTON. I have never known the Government to lease an attraction.

Mr. LAGUARDIA. So there is no danger that this might be leased to a concessionaire?

Mr. CRAMTON. I think there is no authority for leasing it.

Mr. LAGUARDIA. There is no authority in law for doing it?

Mr. CRAMTON. I do not think there is, and I am sure the Forest Service would not contemplate that.

Mr. HAWLEY. Leases are made at places near the caves for hotels, and things of that sort.

Mr. CRAMTON. For public utilities and conveniences leases are often made, but I know of no instance where the attraction itself is leased. Mr. Chairman, with that understanding, I think it puts the bill in much better position with regard to the present policy and not in conflict with either the Forest Service policy or the national park policy.

Mr. COLTON. Did I understand the gentleman from Michigan to offer an amendment?

Mr. CRAMTON. I will at the proper time.

Mr. COLTON. Mr. Chairman, I have no more requests for time, and I suggest that the bill be read for amendment.

The CHAIRMAN. Does anyone in opposition to the bill desire time for debate? If not, debate is concluded, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Page 1, line 3, strike out the word "be" and insert the word "is."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 2, after the words "sum of," insert the words "not more than."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, after line 4, insert a new section to read as follows:

"SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON to the committee amendment: Page 2, line 7, after the word "act," insert "including the fixing of charges for admission to said caves sufficient to maintain and develop them."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS HELD UNDER COLOR OF TITLE

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and members of the committee, I believe there is no opposition to this bill, and perhaps for that reason I should say nothing about it, but it is a little out of the ordinary and I want to make a very brief explanation of it. The territory which is affected by this bill is entirely in Monroe County, Mich., which is the southeastern county of the State, and through Monroe County the River Raisin flows in an easterly and westerly direction. This ter-

ritory was settled by the French in the sixteenth century, and it was the habit of the French where they granted land along rivers to make the grant in very narrow strips back from the river. They did this here, just as they did in the Province of Quebec and elsewhere throughout the region that was once occupied by the French.

The Government of the United States never had any title to this property at all and has never claimed any title to it. It has not title to any property except post-office property, I believe, in the county of Monroe; but the people in these later days when abstract companies and the banks are becoming more particular about abstracts of title, have learned that there are clouds upon the title to this property, and it is for that reason this bill has been introduced.

The United States, as I have said, has no claim to it, but the United States by this bill will have the right, through the Secretary of the Interior, to grant patents to the people living upon this territory and owning it on the payment of the usual fee of $1.25 an acre. I think there are comparatively few of these places in Monroe County, but I am informed by the gentleman from Michigan [Mr. MICHENER] that they have had a good deal of trouble about these particular titles.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. LAGUARDIA. Is it not unusual in relief bills of this kind that are usually predicated on giving relief to an individual, to include therein land held adversely by a corporation?

Mr. HOOPER. Well, I do not know that it is unusual, but there seems to be no other way, I will say to the gentleman from New York, to handle this particular situation.

Mr. LAGUARDIA. How did these lands get into the possession of corporations?

Mr. HOOPER. Well, I do not know that any of the land has got into the possession of corporations. It is nearly all farm land, I will say to the gentleman. So far as I know it is all farm land, and the people who hold it have held it for generations; that is, they and the people who held it before them. There is no city property involved here.

Mr. LAGUARDIA. In my brief, but happy, experience on the Public Lands Committee, we had bills like this under consideration, but we never had a case where a corporation held adversely or asked relief of this kind.

Mr. HOOPER. I do not want to be too certain about it, but I do not believe a foot of this land is held by a corporation. It is farming land and it is held in very narrow parcels.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOOPER. Certainly.

Mr. SCHAFER. Why should land in Michigan have any better advantages than similar land in Wisconsin? In Wisconsin we have land situated in the same way where people think they have bought summer-resort property on the lakes and find they do not have title.

Mr. HOOPER. Then, they can do just as the people are to do here, and pay the $1.25 an acre for a release on the part of the Government.

Mr. SCHAFER. The gentleman would not oppose an amendment to include the State of Wisconsin?

Mr. ARENTZ. Will the gentleman yield to me?

Mr. HOOPER. Yes.

Mr. ARENTZ. It has been my experience on the Public Lands Committee that each particular case deserves particular attention.

Mr. HOOPER. Yes; and should come up on its own merits.

Mr. ARENTZ. If you had similar cases in Florida, it would be necessary for you to segregate the claimants within a certain district in Florida; and the same thing applies to every State in the Union, so it is essential that every one of these cases should stand on its own bottom.

Mr. HOOPER. They must be considered on their own merits, so far as this case is concerned, it is a little out of the ordinary, and that is the reason I wanted to make this explanation; but there is nobody who is going to be injured. The Government is going to get money which it really is not entitled to at the rate of $1.25 an acre, and the titles will be straightened out and everyone will be satisfied.

Mr. SCHAFER. The gentleman may have a particular case in mind, but settling that particular case may open a thousand other cases in Michigan under the provisions of the bill.

Mr. HOOPER. This does not open it to anybody else. Anybody else must come in and ask for relief in his own way.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINGO. Will the chairman of the committee use a little time and give us some information about this?

Mr. COLTON. I will be pleased to do whatever I can.

Mr. WINGO. I am reading the report of the Secretary of the Interior. He says that this has been surveyed as public land. Is that true?

Mr. HOOPER. It may have been surveyed as public land. The gentleman in the chair [Mr. MICHENER] knows more about this than I do.

Mr. WINGO. I think it would be wise if the chairman, who is a good lawyer, would put a parliamentarian in the chair and answer some of the questions that have arisen; in other words, give the facts fully.

Mr. KETCHAM took the chair.

Mr. WINGO. I am sure the bill is all right, and I am not asking the questions in any spirit of controversy but to get the record straight. The Secretary of the Interior reports that this has been surveyed as public land. Is that true?

Mr. MICHENER. The situation is this: In the early days the land was settled by the French. There may be those in the House who are familiar with the way the French made settlements in this country. They followed the procedure in France. Their farms were on the water front. The farm consisted of a narrow frontage, possibly a few rods, and then extended back from the water front to the extent of a mile or a mile and a half or 5 or 6 miles. At that time the State of Michigan had not been surveyed. There were no east or west lines—township lines, as we call them to-day. So the Government surveyors staked out the claims on the water front. For instance, if this center aisle is a river, the claim would be staked out a few rods wide on the river, and extending back a mile and a half or 5 or 6 miles, and the next claim would join that claim on the other side.

The unit of measurement used at that time was the arpent—about 12 rods. Most of these claims were 40 arpents back. The man settled there and remained on the claim a given number of years, at which time he made proof that he had complied with the law, and he received his patent to the part of the land for which he paid $1.25 an acre. The part of the land in the rear was not paid for at $1.25 an acre at that time. That land was given to the man when he made proof according to law.

Some of the people did not make proof to the entire claim—that is, the full length back from the river—so as the result there is a small strip a few rods wide in the center of a man's farm, or at the edge of his farm, which has never been patented by the Government to anyone.

Later the Federal Government came through and put in east and west lines, and when they did that they did not take into consideration these claims and these pieces of land. The Government claims no land there; they have no land there; there is no Government land in the State of Michigan subject to settlement.

In the first place, an effort was made to homestead these lands. It was found that this was impossible under the circumstances. I might say that this bill was suggested to me by the Assistant Secretary of the Interior, Mr. Finney.

Michigan has no public land; we are not familiar with it and know nothing about it. The mining laws or mineral laws, as applied to public land, do not apply to Michigan. In short, these farmers out there, a few of them, have spots on their farms where the title is not clear.

A question arose, I think, when one of these farmers attempted to borrow money from the Federal Government through the Federal land bank. When the Government attorneys passed on the abstract they found these little pieces of land here and there on these farms, and then the question was raised. This bill is merely attempting to clear the title.

Mr. WINGO. My understanding is that in the early days the grants, or whatever you call them, of the French were based on the arpent at the water edge of the river or the lake or the ocean, and that the ordinary grant of those days extended back a certain number of arpents, which amounted to about 1½ miles.

Subsequently the Federal Government undertook to say to the holders of those old French grants, "for every one of you that has this mile or mile and a half on the water front the Federal Government will give you an equal amount extending back; in other words, if you have a grant on the water front a mile and a half, then the Federal Government out of the public domain, which lies back of you, will give you an equal amount in the same shape." If he had a rectangular piece 10 arpents wide by 40 arpents long, then the Federal Government would give him a further grant back of there of 10 arpents wide and 40 arpents long so as to make his tract 80 arpents long and 10 arpents wide. In order to do that and get it from the Federal Government, the Government required that they make

proof of ownership, and so forth, to the original French tract. My understanding is that the Federal land bank found in one of these cases that the owner of it—that is, his predecessors in title—had never made any such proof, and, therefore, he had no title from the Federal Goverment, but that the Federal Government's records showed that no advertisement or anything else had ever been made of these lands and that they never had been offered for public sale or opened to private entry, and therefore no real rights of any adverse claimant could have accrued under the Federal Government, and as the Assistant Secretary said, this grant of power should be given to him for the purpose of curing that title. But some one has asked, on both sides of the aisle, why is it necessary in order to take care of these farmers to take care of some corporation; is there a corporation that happens to own part of it? If so, I think the corporation ought to be taken care of the same as any other grantee.

Mr. MICHENER. Not to my knowledge. For instance, we have dairy farms in Michigan that are incorporated, but I know of no corporation owning any of the land in question. I assure the gentleman that this is all farm land.

Mr. WINGO. My only idea in getting into this was not to oppose the gentleman's bill—I assume that when the bill comes from the Public Lands Committee it is correct, and, knowing the gentleman as I do, I felt it was correct—but there was some contradiction in the record, apparent contradiction only, and I think that should be explained for the record because a good many of these claims have been turned down which are just as meritorious as this and that I thought ought to have been allowed. I think whenever one is allowed and others are turned down that the record ought to be clear so that someone can not say you did this in a certain case and you should do it for me.

Mr. MICHENER. I think the gentleman is quite right and I appreciate his suggestion.

Mr. WINGO. I think the gentleman's bill should be passed with his explanation.

Mr. MICHENER. I thank the gentleman.

Mr. COLTON. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

With the following committee amendments:

Page 1, line 3, strike out the word "whenever" and insert "within five years after passage of this act."

Page 1, line 9, after the word "years," insert "prior to the approval of this act."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 5, after the word "citizen," strike out the colon, insert a period, and strike out the remainder of the paragraph.

Mr. LAGUARDIA. Mr. Chairman, it is clear from the statement made by the gentleman from Michigan [Mr. MICHENER], as well as by the distinguished chairman of the committee [Mr. COLTON], that there are no corporations involved in these particular lands. That being so, I believe it would be a dangerous precedent in a relief bill of this kind to include a proviso that relief shall be granted to corporations.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. Is not the gentleman overlooking this fact: That under the admitted statement of the facts in this case it is possible that a corporation could hold title to this land in perfect good faith, and the corporation would be entitled to the relief just the same as any citizen of Michigan.

Mr. LAGUARDIA. Considering the history of the land and how it was originally acquired, I do not think a corporation could have acquired title.

Mr. WINGO. Oh, yes. The original claimant, of course, was an individual, a Frenchman, but coming down through the years with this chain of title, it is possible that some corporation out there might take title. I give the gentleman this illustration: I happen to know one family, all of them farmers, and they all have their farm holdings incorporated. You might have such a situation out there. It is not going to hurt. This language will be mere surplusage if there are no corporations, and if there are any corporations their title should be cleared the same as the title of an individual.

Mr. LAGUARDIA. If a corporation acquires land of this kind, it acquires it with notice. It is quite different where the original settler comes in and this land is improved by him, and it continues in his family for generation after generation. Clearly such an individual is entitled to relief.

Mr. WINGO. I think the grantee by conveyance, if consideration is paid, is entitled to as much relief as one who receives the land by descent and distribution through generations and generations. I do not think that because a man happens to be a great-grandson of some original settler that he is entitled to have his title quieted any more than a corporation who obtains it under the circumstances I have stated.

Mr. LAGUARDIA. That carries with it the idea of adverse possession, and we are talking of a corporation coming in and acquiring this land by transfer or grant, and this transfer or grant, or whatever it is, certainly was acquired by them with their eyes open.

Mr. WINGO. I venture this assertion, that you will find that this land has been offered to the Federal land bank for a loan and it has been turned down. You will find that that same mortgage company had its mortgage foreclosed and bought in the land at the sale. The mortgagor is trying to redeem under an agreement to repurchase, and is trying to get a loan from the Federal land bank. I think that a safe guess.

Mr. LAGUARDIA. The gentleman assumes facts not before us.

Mr. WINGO. But the gentleman says he could not conceive of a situation where a corporation could have had adverse possession and was entitled to relief. Suppose they bought it outright?

Mr. LAGUARDIA. Then they bought it with their eyes open, but——

Mr. WINGO. Then, if the corporation bought it with their eyes open, they are entitled to as much relief as the individual.

Mr. LAGUARDIA. How easy it would be for a corporation to take over land of this kind cheaply, by reason of the very defect in title, and hold it, in order to establish adverse possession, the necessary length of time, and then have the cloud removed and the value greatly enhanced.

Mr. WINGO. I think if we had a situation like that, the gentleman from Michigan [Mr. MICHENER] would not be a party to a conspiracy with a corporation to acquire public land.

Mr. COLTON. I desire to say I have made no statement that there was no corporation involved. I do not see why, if a corporation acquired the same kind of land as an individual, they are not entitled to the same relief as the individual.

Mr. LAGUARDIA. The purpose of the relief would be entirely different.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. There has been so much time consumed, I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. YON. There is a question I want to ask. Down in my State—Florida—a corporation can be formed by three persons. They can incorporate for any purpose. They can run a dairy farm or a farm of any kind, run any kind of business; and for the purpose of business you would say that a man, his son, and his wife might be in possession of this land and have a dairy farm or a farm of any kind on it; and under the terms of that kind of a corporation the people living on that land would not have the right of an individual to buy the land in question. Does the gentleman wish to prevent that kind of a corporation getting benefits under terms of this bill?

Mr. LAGUARDIA. I would say this language inserted in the bill would provide proper relief; if individuals hold adversely and improve the property, it is the clear intent of the bill that they should get relief. I agree with that.

Mr. MORROW. Mr. Chairman, in my State we have lands of this kind where Spanish settlers settled on the land a hundred years ago, just as these settlers have settled here. We

have passed bills in Congress for several years permitting them to make proof of title to the land. There is no question but that if these titles be passed down through years and years the parties purchasing that land have the right of the former settlers, if the parties in possession make the proof that the department requires. If they can show that they are in possession, then the Government can convey title by a quitclaim patent. Suppose a railroad were involved, which had a right of way on some of these lands. It would be the same.

Mr. LAGUARDIA. Gentlemen assume facts that are not in evidence here.

Mr. MORROW. No. The department establishes certain rules under which they require that proof shall be made. They must prove up just as the original homesteader, that they are in possession and have acquired title to these lands; and this legislation further requires that they must be in possession for 20 years under the Michigan law.

Mr. MICHENER. This Congress passed a bill relating to land in New Mexico last year in language similar to this bill. There is nothing new in this. It is in regular form. It is just a question of clearing paper title. It is a paper defect. The Government does not claim anything. This is for the sole purpose of helping an innocent holder, a really bone fide holder, a man in possession, who, through his predecessors in title, has been in possession for 50 or 75 years, so that if he wants to borrow some money on the land, or dispose of the land, he can meet the technical objection of the lawyer passing upon the title.

Mr. SCHAFER. Mr. Chairman, I rise in opposition to the amendment.

I do not think that we should indicate that we are enemies of all corporations. A corporation having possession of land covered by this bill is entitled to the same relief as an individual owner.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. Not now. I must hasten along so as not to delay the defeat of this discriminatory amendment.

I was tempted to offer an amendment to include the State of Wisconsin, because we have a situation in our State which can be cleared up if this bill would apply to Wisconsin. However, after consulting with the chairman of the committee, I think I will follow his views and in the future introduce a bill to take care of Wisconsin. We have many property holders in the Lake districts who think they have title to their summer resort property, but find on checking their deeds and the descriptions that they do not hold clear title. I hope that when I introduce a bill for the relief of the people of Wisconsin the Members of the House will show the same spirit toward that bill as toward the one pending.

Mr. WINGO. The gentleman from Wisconsin has discussed the rights of corporations. I do not think we ought to discuss the bill any further. It would be out of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SPROUL of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPROUL of Kansas: Page 1, line 3, after the word "that," insert the word "if."

Mr. COLTON. I think that amendment ought to be agreed to. That was a clerical error in omitting the word "if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill of the House of the following title:

On January 16, 1929:

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1156. An act granting a pension to Lois I. Marshall; to the Committee on Pensions.

S. 1640. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on Claims.

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; to the Committee on Irrigation and Reclamation.

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Indian Affairs.

S. 5060. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929; to the Committee on Appropriations.

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; to the Committee on Indian Affairs.

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition, by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine, and for change of name of said park to the Acadia National Park.

The SPEAKER announced his signature to the enrolled bills of the Senate of the following titles:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

OIL AND GAS PROSPECTING PERMITS AND LEASES

Mr. COLTON. Mr. Speaker, I call up H. R. 479, a bill to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The SPEAKER. The gentleman from Utah calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House, therefore, automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 479, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 479, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section 19 of the act approved February 25, 1920 (41 Stat. L. 437), to any claimant of title under the placer mining laws to the northeast quarter and north half of southwest quarter of section 5; the east half of northeast quarter and northeast quarter of southeast quarter of section 6; the southwest quarter of northeast quarter, south half of northwest quarter, and southeast quarter of section 29; the southeast quarter of section 30; the east half of section 31; and the north half and southeast quarter of section 32, in township 51 north of range 100 west, sixth principal meridian, in the State of Wyoming: *Provided,* That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman, the language of this bill is general, but the report on file shows that it is for the relief of a certain company known as the Oregon Basin Oil & Gas Co. The reason the bill is designed to benefit a particular company is the equitable consideration of large expenditures made upon a certain oil structure. The attitude of the department is given in the final paragraph of the report, as follows:

While the department is of the opinion that the discovery alleged in the applications is insufficient to warrant the issuance of mineral patents to the applicant which would transfer title to the land covered by the claims in fee, the bona fides of the applicant company have never been questioned and no objection will be interposed to legislation which will give the company an opportunity to file applications for permits or leases for consideration under section 19 of the act of February 25, 1920.

To state the effect of the bill in a single sentence, if I can, it is to extend the period during which this company may apply for a prospecting permit under the terms of section 19 of the general leasing act, so that the company may now make such application notwithstanding the fact that the period for so doing has expired. The general leasing act provides that applicants under section 19 must make their applications within six months after the passage of the act.

Now, the situation with reference to this company was that it was in process of developing this field under original mining locations before the general mineral leasing act was passed. During the progress of this work it expended over $200,000. It believed and assumed it had complied in every way with the law necessary to secure a patent. The department concedes that it complied with the law in every respect for a patent with the exception of the sufficiency of the discovery. The company assuming that it had a sufficient discovery proceeded through the usual channels of the Department of the Interior to ask for a patent.

A patent was finally refused by the Secretary on the ground that there had not been a sufficient oil discovery. The matter was taken into court upon the theory that the court might review the action of the Secretary as it involved, in the judgment of the company's attorneys, a question of law as well as of fact, but the ultimate determination in the court was that it was a pure question of fact as to the sufficiency of the amount of oil discovered, so that the decision of the Secretary was final. In the meantime the time expired in which the company could surrender its rights and claims for a patent and make application for a permit or a lease under section 19. Therefore when the decision finally came they were without the time limit. So this legislation, in view of their expenditure of something over $200,000 and good faith throughout the proceedings, in effect is to permit them now to make such application. The legislation is not mandatory or directory but permissive only, giving the Secretary the discretion, if in his judgment he deems it proper, to issue a permit or lease under section 19. The legislation prohibits the Secretary from granting a permit or lease if there are any valid adverse claims. I know of no adverse claimants, and if there are any such I am not familiar with the fact.

Mr. HUDSON. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. HUDSON. The gentleman spoke of the expenditure of $200,000 by this corporation. Was that $200,000 spent in the development of oil or was it spent in the formation of the corporation?

Mr. WINTER. I am very glad the gentleman asked that question. It was spent absolutely on improvements, as the report of the Secretary shows, of roads and pipe lines for the carrying of gas and steam and the installation of drilling apparatus of various kinds, and actually drilling on the ground.

Mr. HUDSON. The reason I make the inquiry is that it seems to me that by the expenditure of such a vast sum of money they would have been able to determine whether there was a sufficient amount of oil in the field to give them the right to a patent.

Mr. WINTER. I may say to the gentleman that in this particular field subsequent events proved that they had to drill 3,000 and 4,000 feet to get permanent oil.

Mr. HUDSON. And the amount spent for drilling was a part of the $200,000?

Mr. WINTER. Yes; that is my information.

Mr. HUDSON. Does this legislation tie it up to this corporation to the exclusion of anybody else?

Mr. WINTER. There was opportunity for anyone to come in who desired to oppose the bill before the House committee, and there will be further opportunity before the Senate committee, and, finally, if it becomes a law the Secretary himself, upon application of any other person, will hold a hearing before he exercises his power under this act. If he refuses then to exercise his discretion, the present situation will not have been changed, and the rights of all persons will be the same as they are to-day.

Mr. HUDSON. It seems to me that with those two points cleared up that this expenditure was made in the definite development of the field rather than in the promotion of the company, and does not bar others, that perhaps the bill ought to pass.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. JOHNSON of Washington. All the gentleman from Michigan has said is so good and so clear why would it not be a good plan not to limit this to a particular section? This is a bill limiting these privileges to a certain section, and if the opportunity for inquiry in the Senate and in the hearings before the committee is sufficient, why should not a bill of this kind be written as a blanket bill to permit the same thing to be done anywhere?

Mr. HUDSON. If the gentleman from Wyoming will yield for me to answer that I will say I think that might be true as well of the previous bill passed.

Mr. JOHNSON of Washington. It is all good piece by piece but not otherwise.

Mr. BANKHEAD. Will the gentleman from Wyoming yield to me for a question?

Mr. WINTER. I will.

Mr. BANKHEAD. Unfortunately, I was not able to hear all the gentleman's statement with reference to this bill, but as I understand the latter part of his statement, it is a bill giving to this corporation the right to again file with the Secretary of the Interior an application for what rights?

Mr. WINTER. For a permit or a lease to a certain area of land of about 1,600 acres. They never did file an application for a permit or lease. This would be their first application, but in carrying on the procedure for a patent through the Department of the Interior and the courts, and before a final decision or determination was made, the time limit under the general leasing act expired.

Mr. BANKHEAD. But did not the gentleman state that the department, after a very thorough investigation of all the facts in the case, had decided that under existing law these people had no right to make this application?

Mr. WINTER. No right to a patent. The decision was not against an application for a permit or lease, but against an application for a patent.

Mr. BANKHEAD. Does this bill give them the right to make application for patent?

Mr. WINTER. No; that right is forever gone, and they must now come in under the general leasing act.

Mr. BANKHEAD. Why does the gentleman assume that if this right is again given them there will be any change in the facts or that there should be any change in the decision of the department with reference to the matter?

Mr. WINTER. Because the first was an application for a patent, in which case the Government would have no interest further in the land, while under an application for a permit or a lease, the Government has all of its interest in royalties, as set forth in the general leasing act.

Mr. BANKHEAD. Do not the facts disclose that this corporation slept upon its legal rights in failing to take advantage of the law within the time?

Mr. WINTER. They probably could not simultaneously carry on their procedure for a patent and also file an application for a lease.

Mr. BANKHEAD. Does not this legislation proscribe any other applicant from making application until the rights of this corporation are determined under this legislation?

Mr. WINTER. Under the facts and conditions of this case I do not believe any other applicants would be in a position to ask for a lease under section 19, or under section 13, as it is now a proven structure. They would not be barred from full right to be heard before the Secretary in opposition to the exercise of his power under this act and in favor of a right to bid at public auction for a lease under section 17.

Mr. BANKHEAD. That does not answer my question. The gentleman answers it indirectly, but if this bill were enacted would it not deprive any other applicant for these rights from making original application until the question of the right of this corporation was determined by the department under this legislation?

Mr. WINTER. No; I think not, because it leaves the entire matter discretionary with the Secretary, who may hold hearings and hear all parties or applicants and grant a lease to anyone under section 17 if he chooses to do so.

Mr. BANKHEAD. Is there any evidence that oil actually exists on this acreage?

Mr. WINTER. It is surrounded by areas which have been developed and are now producing.

Mr. BANKHEAD. And it is still a part of the public domain?

Mr. WINTER. Yes.

Mr. COLTON. Is it not a fact that the department is precluded from considering the equities of anyone in these particular lands without legislation of this kind——

Mr. WINTER. Yes; I think that is true.

Mr. COLTON (continuing). If this legislation is not passed.

Mr. BANKHEAD. If that is true, then I will ask the chairman of the committee why he does not bring in some general legislation affecting this matter? This is probably a question which is constantly arising before the department for construction, and it seems to me the duty is upon the Public Lands Committee to bring in some general legislation correcting this situation and giving the department general authority to act in cases of this sort.

Mr. COLTON. I doubt very much the wisdom of a bill of that kind. In fact, I know of no other cases that have arisen. None has been called to my attention. Moreover, even if it were made general, the department might be bothered or have applications made in a good many cases that have no merit. This particular case seems to have a great deal of merit.

Mr. BANKHEAD. I will say to the gentleman I have no personal interest in this matter——

Mr. COLTON. I appreciate that.

Mr. BANKHEAD. But in times past we have heard a good deal about oil lands in the country and their disposition and I thought it might be pertinent to make some inquiries.

Mr. LEATHERWOOD. Will the chairman of the committee yield for a question?

Mr. COLTON. I yield to my colleague.

Mr. LEATHERWOOD. I have been interested to know whether or not the land in question at this time is open for any kind of an entry?

Mr. COLTON. I understand it has not been restored to entry or application pending the result of this legislation; but, as a matter of fact, these applications for patents have been denied. I doubt that it is open for entry at the present time. Perhaps the gentleman from Wyoming [Mr. WINTER] could answer that.

Mr. LEATHERWOOD. That is a matter I would like to know about; whether or not if I go to the Land Office now I would be permitted to make a filing.

Mr. WINTER. The gentleman would not at this time for the reason that if this legislation does not pass ultimately this land would be advertised under section 17 of the mineral act, which provides for public auction and a lease to the highest qualified bidder.

Mr. LEATHERWOOD. The gentleman's answer is very clear as to that situation. Let me ask the gentleman this further question: Suppose this legislation passes, will there ever be a time when I could go to the Land Office and make a filing until after the people who are to be benefited by this legislation have declined to take advantage of the privileges extended to them by this act?

Mr. WINTER. By "making an entry" the gentleman means an application for a lease?

Mr. LEATHERWOOD. To acquire any title that would enable me to explore the land for oil.

Mr. WINTER. I think I can quote from the report directly in answer to that:

> The question may be asked just what disposal would be made of the lands involved in event this bill should fail of enactment.

Mr. LEATHERWOOD. That is not my question. I am assuming that the land is not open for entry, and I think the gentleman has so admitted. I further assume that the bill will pass both branches of Congress and become a law. Will there be any time when I can go to the proper land office and make a filing or application for a lease to explore the land for oil until after the party to be benefited has declined to take advantage of the privilege given by this act. In other words, if this bill is enacted into law, have you not foreclosed the right of the rest of the world to make application or do anything until after the corporation has declined to take advantage of the benefits extended by this legislation?

Mr. WINTER. If I understand the gentleman correctly, no; because the corporation is not given any rights it can enforce. It is all left to the discretion of the Secretary. The object of the legislation is to give the Secretary authority to grant a permit or lease to the company if he finds that under all the circumstances the company is equitably entitled to it.

Mr. LEATHERWOOD. And the excuse for that is that they have acted heretofore in good faith and are therefore entitled to occupy it against the rest of the world, because in good faith they have expended their money in developing oil.

Mr. COLTON. Until their equities have been determined by the department.

Mr. LEATHERWOOD. The state of the equities has been determined because the Government refused to issue patents, and therefore the land would be restored to the public domain.

Mr. COLTON. No. If they had made application for a lease in the time prescribed their equities would undoubtedly have entitled them to preferential rights for a lease. This bill is simply to restore them to that right—to extend the time for making the applications, so to speak.

Mr. LEATHERWOOD. Does the gentleman think the equities are such that we should forego the proposition that we are all presumed to know the law?

Mr. COLTON. There is this further thought. These people evidently believed that they had complied with the law to the extent that they were entitled to a patent. They had expended $500 on each claim and proceeded on that theory until there was a judicial decision that they had not complied with the law. Then they found that they had lost the opportunity to apply for a lease.

Mr. LEATHERWOOD. That is what I wanted to bring out, to see if good faith had been shown. Under the proposed law the Government, as a matter of fact, will benefit by it more than it would had patent been issued.

Mr. WINTER. To the extent of getting a minimum of 12½ per cent on the gross production.

Mr. LEATHERWOOD. That is what I wanted to make plain. The Government does not lose anything and it will benefit by the legislation.

Mr. WINTER. May I say in conclusion there is a precedent for this bill in the act of Congress approved September 15, 1922 (42 Stat. 844), and June 26, 1926 (44 Stat. pt. 3, 1621).

By the first of said amendatory acts the provisions of section 18a of the leasing act was extended to include certain lands in Utah which had been included in a withdrawal order other than that mentioned in the original leasing act.

Now, the First Assistant Secretary of the Interior, Mr. Finney, says:

> Now, in that situation the only thing the department could do with those lands which have been demonstrated to contain oil by these claimants would be to put the lands up at auction, under section 17 of the leasing act, and dispose of them at competitive bidding, which would seem hardly fair to those who have spent money and drilled the wells. For that reason the department reported that it had no objection to the enactment of this law, which would permit all these people to present their claims and permit the President to make some adjustment under the provision of section 18a.

The facts differ just a little there; it came under another relief provision of the general law. This is under section 19, whereas this precedent was under section 18a.

Mr. BANKHEAD. Mr. Chairman, I want to get things a little bit more clear in my mind. The last portion of the bill makes provision in this way:

> Also that applications for such permits or leases be filed within six months from date of this enactment and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Does the gentleman from Wyoming know whether or not, as a matter of fact, there are any adverse claims, either valid or otherwise, pending upon the part of other parties to these entries?

Mr. WINTER. My information is that there are none.

Mr. LAGUARDIA. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Does any member of the committee demand recognition in opposition to the bill? If not, the Chair recognizes the gentleman from New York for one hour.

Mr. LAGUARDIA. Mr. Chairman, I shall not take the hour, and thus I can relieve the anxiety of the committee to that extent. If we pass bills of this kind, Mr. Chairman, we might as well close the Department of the Interior, abolish all existing laws, and take it upon ourselves to decide against questions of this kind. This claim was rejected by the Commissioner of the General Land Office for lack of discovery, and the decision was affirmed on February 1, 1924. The company in question then took the case to the courts, and in the case of the Oregon Basin Oil & Gas Co. *v.* Secretary of the Interior et al., decided May 4, 1925 (55 App. D. C. 373), on appeal to the Court of Appeals of the District of Columbia, it was held that, reading from the syllabus:

> Whether discovery of oil on a particular location is legally sufficient to entitle discoverer to patent is question of fact, addressed to the Secretary of the Interior, whose decision is conclusive on courts, unless arbitrary, capricious, or induced by fraud or imposition.

The question of capriciousness or fraud was not involved in the decision of the Secretary of the Interior. Further:

> Finding by Secretary of the Interior that oil discovered in well at depths of 45 and 434 feet did not warrant issuance of patent to discoverer, notwithstanding discoveries on adjacent claims at much greater depths and from formations unconnected with formations penetrated by wells of discoverer, held conclusive on courts.

The action of the Secretary of the Interior was affirmed. The Oregon Basin Oil & Gas Co. then took an appeal to the Supreme Court of the United States which court on January 24, 1927, affirmed the decision of the lower court. It was entirely a matter of fact. If Congress is to devote its time and consideration to setting aside first the decision of the Secretary of the Interior rendered in accordance with existing provisions of law, and which law gives the aggrieved party a right of review in the courts, and the courts have decided adversely to the discoverer on appeal taken even to the Supreme Court of the United States, then we will upset our entire system of supervision of final adjudication vested by law in the Department of the Interior.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. I want to voice my opposition to this bill. I shall vote against it on a division vote. I serve notice that I shall move to strike out the enacting clause. We are deciding this great question of fact and we have not the hearings before us. We have not all of the information, and by actual count there are only 24 Members of the House present. Even if I should ask for a roll call, Members coming into the Chamber unadvised, naturally and properly, in accordance with custom, would follow the committee. We are simply helpless in the matter. I yield now to the gentleman from Louisiana.

Mr. ASWELL. Does the Secretary of the Interior approve this legislation?

Mr. LAGUARDIA. Yes; he does in substance.

Mr. ASWELL. If this bill should be enacted into law, would it not leave the whole matter still in the discretion of the Secretary of the Interior?

Mr. LAGUARDIA. They have had their opportunity once.

Mr. ASWELL. It is still in the discretion of the Secretary of the Interior.

Mr. LAGUARDIA. It was there once, and he has decided it.

Mr. WINTER. The thing that was fought in the courts was a patent. This legislation has nothing to do with the issuance of a patent. It is another matter entirely. It is merely a prospecting permit or lease under the general leasing act, under which the Government will receive royalties. We are not attempting to do that which the courts refused. They refused the application of this company for a patent. Therefore we have abandoned that ground entirely, and the company comes here under this great expenditure asking for an equitable consideration and that it may now be allowed to apply under the leasing act for a permit.

Mr. LAGUARDIA. Does the gentleman know that the law is very broad and rather generous to prospectors or discoverers, and that this company has had all of the privileges that other discoverers have? If it had been an individual and not able to proceed with the case after it had lost it in the courts, the matter would not be before us at all. The only good part of this bill is the support that it received from the distinguished gentleman from Wyoming, who has great influence in this House. I would like to go along with the gentleman from Wyoming, but I can not do so, and can only voice my feeble and ineffective protest in this manner.

Mr. WINTER. I want the gentleman to clearly understand that this legislation does not seek to do that which the courts refuse. That is an entirely different matter.

Mr. LAGUARDIA. It is simply giving this company a special privilege, which it is not entitled to under existing law, for an opportunity to start all over again.

Mr. WINTER. I submit in all fairness that years of work and an expenditure of $200,000 under these conditions does present a situation here which deserves special legislation to permit them now to come in under the general leasing act.

Mr. LAGUARDIA. I am convinced that the gentleman believes that otherwise he would not have fathered the bill.

Mr. WINTER. If this is not passed, someone else will get the benefit of the permit or lease, who never contributed a dollar to the development of that field. This company was the demonstrator of the fact that this field was an oil field.

Mr. LAGUARDIA. Like other prospectors?

Mr. COLTON. If you will permit this observation: I think the gentleman from New York will recognize that if this company had not thought that it was entitled to patents, it could have made application for a lease and have received the same preference right from the Federal Government that it will receive if this bill becomes a law. It is only a matter of placing the company where it would have been had it not believed it was not entitled to a patent.

Mr. JOHNSON of Washington. Let me ask, this company gets the title?

Mr. COLTON. Just the right to lease.

Mr. JOHNSON of Washington. Or re-lease from the Federal Government?

Mr. COLTON. It gives to the Secretary of the Interior the right to consider the case and if the company is entitled to a lease, then he would undoubtedly authorize the lease.

Mr. JOHNSON of Washington. Does the gentleman think of anything in the nature of a permit that would apply to the vast domain in Alaska that might be found to be capable of leasing, which is now lying open all the time? Here is a bill which slips through, and here is a great area in Alaska with people living there who want to extend an invitation to capital and prospectors to open it up.

Mr. COLTON. I agree with the gentleman in regard to Alaska. I have never been enthusiastically in favor of the leasing law, but it is the law. I am in favor of this bill. May I take a second to call attention to the statement of the Secretary of the Interior making a report on this bill. He says:

> The bona fides of the applicant company have never been questioned, and no objection will be interposed to legislation which will give the company an opportunity to file the application for permits or leases for consideration under section 19 of the act of February 25, 1920.

In other words, to give them the right to lease they would have had had they made application within the time.

Mr. ROBSION of Kentucky. May I ask the gentleman from Wyoming a question? I have understood from the gentleman from Wyoming that these people have expended $200,000 and have developed an oil field there?

Mr. WINTER. Yes, sir.

Mr. ROBSION of Kentucky. Now, in the event Congress does not grant this relief within this particular time, the land will be open to be filed on by somebody else, and they will get the benefit of the expenditure by these people. Now, in that event, would the Government get any more under the lease to some other person than if it were given to these people?

Mr. WINTER. If somebody else were granted a permit under section 13 of the leasing act, they would be entitled to one-fourth of the area under a 5 per cent royalty; while in event the lease is given to these people, the Government will have a minimum of 12½ per cent royalty of the entire area.

Mr. ROBSION of Kentucky. So that if we do not grant this relief the Government loses and some other individual or company would get the benefit, so there could not be any advantage to the Government; is that it?

Mr. WINTER. No advantage.

Mr. ROBSION of Kentucky. Well, it looks to me like the Government will not be hurt; and if these people have expended $200,000, I can not see why the Government should not grant this relief.

Mr. COLTON. The Government will really gain over what it would have had if the original applications for patents had been allowed.

Mr. ROBSION of Kentucky. So if this bill passes, it ought to be to the advantage of the Government. And then the law protects the rights of those people who went in there and who, according to the report, spent some $200,000.

Mr. LAGUARDIA. And why not in this bill extend an apology to the oil company? It is just a matter of fair and impartial administration of the law. That is all that is involved in it.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. It is just a matter of a fair and impartial administration of the law. That is all that is involved.

Mr. ARENTZ. I will say that the gentleman from New York is perfectly right. In many of these cases the Government should apologize. Men who have come in good faith and spent $200,000 on a proposition and have discovered oil on this land bringing in revenues to the Government for 50 years have a little bit of right, I should say, over a perfect stranger.

Mr. LAGUARDIA. The gentleman says these men have made discoveries that will produce for 50 years and have brought in revenues to the Government?

Mr. ARENTZ. I say these people who have opened an oil field which will be there for 50 years are entitled to some consideration on the part of the Federal Government. They ought to have some right over a perfect stranger.

Mr. ROBSION of Kentucky. If it is going to be to the advantage of this Government, why should these citizens who have paid out $50,000 be denied this privilege and equity?

Mr. LAGUARDIA. Mr. Chairman, I reserve the balance of my time.

Mr. COLTON. Mr. Chairman, unless some further time is desired, I ask that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, had directed him to report the bill back to the House without amendment, with the recommendation that it do pass.

Mr. COLTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. LAGUARDIA. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 39, noes 3.

So the bill was passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

LAND GRANT FOR MINERS' HOSPITAL IN UTAH

Mr. COLTON. Mr. Speaker, I call up the bill H. R. 15732.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 15732, which the Clerk will report by title.

The Clerk read as follows:

> A bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

The SPEAKER. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, which the Clerk will report.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That in addition to the provisions made by the act of Congress approved July 16, 1894 (28 Stat. L. 110), for a miners' hospital for disabled miners, there is hereby granted to the State of Utah, subject to all the conditions and limitations of the original grant, an additional 50,000 acres for a miners' hospital for disabled miners to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, from vacant nonmineral surveyed unreserved public lands of the United States in the State of Utah.

Mr. COLTON. Mr. Chairman, I yield five minutes to myself.

The CHAIRMAN. The gentleman from Utah is recognized for five minutes.

Mr. COLTON. Mr. Chairman, when the State of Utah was admitted to the Union, under the enabling act, the State was given certain land grants for the benefit of various State institutions. All of the grants made were for 100,000 acres or more, except in the particular case of the grant for a miners' hospital. Only $50,000 was granted for this purpose.

I have taken the trouble to examine the proceedings at that time, but I do not know why this small grant was made for this purpose. I will say, however, that in pursuance of the grant that was given the State has sold these lands for the best price obtainable at the time and realized therefrom about $82,447. The State land board has sold practically the entire acreage. Those lands were sold many years ago. The enabling act provides that the principal must remain intact and only the interest may be used for the objects and the purposes of the grant, namely, the establishing and maintaining a miners' hospital. Under this arrangement the interest on this money has now reached about the sum of $88,853. The interest exceeds the principal. After nearly 30 years it is not sufficient to build the hospital.

We have in the State of Utah a great mining industry. The mining industry is the second largest industry in the State. There are to-day 140 disabled miners receiving or needing hospitalization in the State. We are unable to provide that hospitalization with the funds that have been granted for the

purpose; and the purpose of this bill is to increase the grant to the same number of acres that was given to other institutions at the time the State was admitted to the Union. The workmen's compensation act does not reach this class of disabilities. My State is doing all it reasonably can for this class of cases, but we need help.

All of the safeguards that I think could surround the bill have been placed in it. It must be nonmineral, unreserved, public land. The Members of the House perhaps may be interested in knowing that in my State 74 per cent of the land is owned by the Federal Government on which we realize no revenues whatever.

There are about 25,000,000 acres of land in the public domain from which this grant would be satisfied if the bill becomes law. These lands have no supervision whatever. Most of them are almost, if not quite, worthless for agricultural purposes and may be used only during certain parts of the year for grazing. It is out of that great area that this grant, if allowed, would be satisfied.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. MORTON D. HULL. What does the gentleman anticipate will be realized for the hospital out of any such grant?

Mr. COLTON. The State will probably not sell any of this land for less than $2.50 an acre. The principal could not be used for the construction of the hospital nor maintenance of it, but only the interest on the funds realized. There is a demand for land and we can probably get a better price than we did for the original lands granted to the State.

Mr. MORTON D. HULL. The gentleman expects to get $2.50 an acre?

Mr. COLTON. About that, and more if we can.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAMTON. The gentleman knows there is under way some reclamation development in the State. I am not sure to what extent, if any, this might in the future affect undeveloped public lands, but it would seem to me quite undesirable to permit lands that might later be included in a Federal reclamation project to be sold and go into private ownership through this bill, because the difficulty we now have with regard to reclamation projects is the handling of undeveloped privately owned lands. Also, there is the possibility of Federal use of some of these lands in connection with Bryce Canyon National Park and, perhaps, Zion National Park, but I have particularly in mind Bryce Canyon National Park.

Certain gentlemen have been interested in some expansion of the Bryce Canyon National Park, and it has been urged that there is land of suitable character adjacent to it. So it seems to me it would be quite undesirable to permit the State to select lands that thus go into private ownership if we are likely later to want to get them back for public uses.

I notice the bill provides that the selection shall be subject to the approval of the Secretary of the Interior. Of course, that gives enough discretion to the Secretary so that he can protect the situation, but I am not at all sure he would have that thought in mind. What can the gentleman suggest as to that?

Mr. COLTON. As the gentleman knows, the present policy of the Secretary of the Interior is to extend the activities of the Reclamation Service into those areas which have already passed into private ownership. In other words, there are no new projects, so far as I know, being contemplated to reclaim wholly virgin lands. I think that is particularly true in my State. I agree with the gentleman from Michigan that it ought not to extend to cases such as he has mentioned. I do not think it would, and I think the Secretary of the Interior would have full authority under this bill to see that it does not include lands which are now included in reclamation projects or which will hereafter, as a matter of fact, come under reclamation projects.

Mr. CRAMTON. There is no doubt about his authority if he will only give thought to that phase of the question. I know that the Salt Lake Basin project is under development, and it is very possible that some public lands might be mixed with that project. It is difficult to reach the situation by language. The best I have been able to do is to suggest at the end of the bill the following language:

And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects.

Mr. COLTON. I see no particular objection to such an amendment. That would give a chance for a study and classification of the lands before action is taken and would challenge the attention of the department to that class of lands.

Mr. CRAMTON. It would at least challenge their attention to this thought.

Mr. COLTON. Yes; it would do that.

The CHAIRMAN. The time of the gentleman from Utah has expired.

The Clerk read the bill for amendment.

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of line 12 strike out the period, insert a comma and the following: "And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects."

Mr. COLTON. Mr. Chairman, I see no objection to the amendment.

Mr. LaGUARDIA. Will the gentleman from Michigan [Mr. CRAMTON] yield?

Mr. CRAMTON. Yes.

Mr. LaGUARDIA. Is not the wording too broad—"likely to be needed"?

Mr. CRAMTON. What the amendment tries to do is something that can not be covered in a hard and fast way. The principal thing is to challenge their attention. It would still be in the discretion of the Secretary, but this would challenge his attention to the possibility of needing the lands for reclamation or national-park purposes.

Mr. LaGUARDIA. The gentleman understands that in making it as broad as he does he makes it broad both ways. The amendment gives the Secretary, after all, a great deal of latitude, both in reserving land and in saying that at the present time there is no likelihood of its ever being used.

Mr. CRAMTON. The gentleman from Utah [Mr. COLTON] suggested language that I think might go even further than this. I think when you say "likely" then the Secretary considers existing and proposed reclamation projects and existing parks and will give thought to the possibility of needing the land. If there is not any likelihood of it being needed, I would not expect him to exclude it.

Mr. COLTON. I understand that it would simply challenge the attention of the Secretary of the Interior and that he would not likely approve State selections of land that might be included in a reclamation or national-park project.

Mr. CRAMTON. I want him to consider that phase of the matter.

Mr. LaGUARDIA. If it will serve the purpose which the gentleman has in mind, well and good; but I think the gentleman will agree with me that it is not good legislative phraseology.

Mr. CRAMTON. I will agree that it does not tie the hands of the Secretary. The discretion is still in his hands, and the determination of the likelihood is in his hands.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ASSESSMENT OF BENEFITS AGAINST PUBLIC LANDS AND LANDS HERETOFORE OWNED BY THE UNITED STATES

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis levee district of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the

establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States, but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser and such entryman or purchaser may be entitled to patent therefor.

SEC. 2. All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever, and the consent of the Government of the United States is expressed thereto subject to the conditions aforesaid.

SEC. 3. This act shall be available to the St. Francis levee district of Arkansas, and to any such improvement district within the boundaries of the St. Francis levee district heretofore created or hereafter created as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas.

SEC. 4. That in all cases where there has been a foreclosure of the liens of any improvement district and said lands have been purchased by the said districts, it shall be the duty of the Commissioner of the General Land Office, upon proof of such sale and purchase and upon the payment of the sum of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, to execute to said district or districts a patent to said lands; and in all cases of future foreclosures and purchases by said districts it shall be the duty of the Commissioner of the General Land Office, upon the payment of a like sum and proof of the foreclosure and purchase by the said districts, to execute to them patents for the lands so purchased upon the expiration of the period of redemption.

SEC. 5. If any portion of this act be held unconstitutional, such decision shall not affect the remaining provisions of the act.

SEC. 6. This act shall repeal all laws and parts of laws in conflict herewith and shall take effect forthwith.

Mr. COLTON. Mr. Speaker, I yield such time as the gentleman may desire to use to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Speaker, the necessity for this legislation arises from a decision of the Supreme Court rendered in 1926, in the case of Lee against The Osceola & Little River Improvement District, in Arkansas. This decision is reported at page 643, volume 268, of the United States Supreme Court Reports. It involves the right to levy improvement taxes on lands formerly owned by the Government in that area.

These lands were created by earth disturbances in 1911 and 1912. I mean that the conditions which exist there are due to the disturbances at that period of time. The disturbances were known as the New Madrid earthquake and affected certain areas in northeast Arkansas, southeast Missouri, and west Tennessee. Possibly some of you gentlemen will recall the celebrated Reelfoot Lake region of Tennessee, a very great fowl resort, created at the same time.

The result was to lower certain areas in this country and cause them to become drainage basins for the higher elevations around about them. The lands of this country are alluvial, in the Mississippi Valley, practically level, but, of course, with some little depressions and slight elevations running through them. These lands were heavily timbered at the time of this disturbance and while the water standing in the basins killed the growth of timber, which was such as you find on the adjacent higher elevations, still evidences remained there of the fact that at one period of time it was comparable with the higher lands of the region.

Levees were constructed along the Mississippi River front which prevented an overflow from the river. These levees were of such size as to protect these lands against the ordinary floods of the river and caused the lands gradually to become uncovered. When it was manifestly possible to reclaim this land, local levee districts and drainage districts were organized, and these lands were embraced within such districts. Artificial canals were provided at great expense to the owners. These lands were uncovered. When it became evident the Government had interest in the land investigation was made by the land department, with the result that certain suits were instituted under Government claim of title.

Under the law of Arkansas, the title of a riparian owner extends to the thread of the stream on all nonnavigable waters. These riparian owners claimed title to the areas that had been marked by the United States Government surveyors between 1836 and 1847. When the surveys were made and they were plotted as lakes and meandered as lakes, and therefore the individual owners asserted title to the property.

When the Government's claim of title was successfully asserted to the lands they were resurveyed and thrown open to homestead and the people occupied the land. They have made their homes there and in most instances they have improved them, and the improvement districts are responsible entirely for the value of the land.

When they were included in the improvement districts, there was one man within the area who declined to pay the improvement tax. The taxes were annually paid by the people and they were going along enjoying the improvements. This man Lee raised the question of the right of the State to levy a charge on the lands that were Government lands at the time of the organization of these districts. The Supreme Court sustained his contention, leaving the districts in just this attitude. The cost of the reclaimed lands were included in the general estimates of the expense of the work.

Bonds were sold on the strength of the values, including the land. They are in the hands of purchasers generally. Now, when the lands are exempt from their part of the burden, necessarily the land adjoining, the higher land, which is less benefited, must pay the proportion of the tax levied on the 25,000 acres of land formerly Government land.

Mr. MORTON D. HULL. The lands that get the exemption from taxation are the ones benefited by the expenditure of the money.

Mr. DRIVER. Yes; the greatest benefit, and without the reclamation work the lands would be absolutely valueless. The work has been completed and they have paid for many years.

The policy of the district is this: Not to levy a dollar of improvement tax on any of the former Government land that is not actually and has not actually ripened into title. The bill safeguards to the extent of providing that no part of the levy can be placed on any land not entitled to a patent.

Mr. WELSH of Pennsylvania. In what position does that place Lee?

Mr. DRIVER. It seeks to place him in the attitude of others and makes him pay his part.

Now, the Interior Department has made an adverse report on this bill; notwithstanding the fact that I communicated with Judge Finney and went over the matter with him, he seems not to have grasped the actual situation. He seems to think that the whole proposition is a matter of relief from flood damages. The levees in front of the property held in 1927, and the only damage we sustained, was through a break in the State of Missouri, which did not involve this district in any way.

Then there is another objection—if I do not correctly state it, I will ask to be corrected—the gentleman from Michigan [Mr. CRAMTON] seems to think that this bill makes a change of policy. That is predicated on one of two assumptions; one is that the Government land ought not to be levied on without the right having previously been granted.

That was done on some of the areas, but they simply overlooked that fact with respect to these areas. North of this there were certain lands owned by the Government where authority was given by Congress to levy the taxes in advance of occupancy of the homesteader. That was a charge on the land and they were required to pay it. In this instance this was not done. That would be one of the reasons. The other reason that I could conceive is the fact that this bill provides that when the lands are not paid on, if such a thing should occur, and the district authorized under our law to become the purchaser of delinquent lands to protect themselves, they would have the right to go to the department and secure a paper title to these lands, upon the payment of $5 per acre for the land. You gentlemen can readily see the necessity of this legislation. What effect would the improvement district get out of a proceeding in our local courts and the right to condemn and sell the property for their failure to pay these assessments, unless they could secure title through which they could pay and get returns for the amount of money charged against the lands?

Mr. MORTON D. HULL. Does this relate to the invalidity of past special assessments?

Mr. DRIVER. Yes.

Mr. MORTON D. HULL. Do you make any distinction as between future assessments?

Mr. DRIVER. Not at all, because it provides that the assessments may be placed on those lands when the title ripens only,

and not against the Government lands, but against the occupant of those lands once the title ripens.

Mr. MORTON D. HULL. How far do you go back?

Mr. DRIVER. We fix a limitation that it can not be charged except from the time the title ripens.

Mr. MORTON D. HULL. When you are making an assessment you are making it with reference to the assessment you have already made against the land in private ownership, and that assessment may be 5 or 10 years past.

Mr. DRIVER. So far as private ownership, but as to these particular lands, we have a provision by which the districts are limited, in order to make this charge, when the title ripens in these parties, and no back taxes are to be paid. There is to be no effort to do that, because we are undertaking to deal with the matter just as fairly as possible, and those landowners can be entitled to no more than that.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. CRAMTON. I am not clear on that. It was my impression that the collection of the tax would not be permitted, as section 1 says, until the date when the entryman or purchaser is entitled to a patent, but that does not necessarily prevent, and it is not understood that the bill prevents, the levying of the assessment and letting it accumulate and hang there, and then the minute he gets his title, stepping in and demanding payment. That has been my understanding.

Mr. DRIVER. If the gentleman has a fear that that will be the effect, I will work out with him now an amendment or let him offer an amendment that he knows will preclude that possibility, and I shall accept that amendment. All I want is a fair deal for the people who own the lands whose burden is going to be heavier. I am willing to stop it right there and state that they can not be assessed other than beginning now and in the future.

Mr. CRAMTON. I am not arguing with the gentleman. I want to get an accurate understanding of the bill.

Mr. DRIVER. I know the gentleman's attitude is one of fairness and I have never complained about it.

Mr. CRAMTON. If there is not to be an accumulation of assessments, and not a levying of assessments until the title passes to the individual, after the title does pass, then what levies of assessment is the land to be subjected to?

Mr. DRIVER. Only to the taxes accruing from that day on, according to the assessments made.

Mr. CRAMTON. I am frank to say that this is a rather complicated question, and that I have not so clear an understanding about it, but I do not just see the advantage to the gentleman's people from the bill under that situation.

Mr. DRIVER. May I explain this to you, and I am stating this of my own knowledge?

Mr. CRAMTON. I suggest this for the gentleman's consideration, that without this bill, after the title passes, the land can be taxed and the assessment levied.

Mr. DRIVER. I beg the gentleman's pardon. That is exactly the thing that the Supreme Court of the United States says shall not be done, in the case I just quoted of Lee against The Improvement District.

Mr. CRAMTON. Not for work done before the title passed, but for improvements made afterwards.

Mr. DRIVER. No; you can not assess if that district was organized previous to the time the title passed from the Government, is the decision of the court. There is no doubt about that. We will not disagree, because if the gentleman will read that decision he will find that there is no way to resolve even a question of doubt about it.

Here is the thing that I started to say to you gentlemen in answer to the question propounded by the gentleman from Michigan [Mr. CRAMTON]. These assessments have been paid up to the time and the year following the decision in the Lee case. Therefore I am in the attitude so that it will not impose any more burden on these land owners than the mere loss of two years' assessment on that property if I accept his amendment. These lands are free of any charge up to that time, and, of course, have been since.

Mr. MORTON D. HULL. They paid without knowing.

Mr. DRIVER. They were not advised until the decision in the Lee case. It is necessary in our alluvial country to clean out our drainage canals at intervals, and therefore we have a law providing that may be done and reassessment made to the extent of the actual cost. So they undertook to levy under the right of reassessment and after the Lee case was decided and it was decided there was no authority to levy, and, of course, the result was that many refused to pay. And no man can criticize his fellow man where he is enjoying the benefit of money expended and works built, to decline to pay, after the other fellow would not; therefore all quit and left those whose land was least benefited to bear the burden. That is the attitude we are in. A further explanation. Some question has been raised about the legal effect of this bill. I have not placed myself in the attitude of going into that which possibly ought to be presented. I will say this to you: The attorneys—and they were men of eminence in our State—gathered together and agreed that if they had the authority of such enabling act by this Congress it would enable them to impress the lands, and I am relying on their judgment that with this authority they will be able to do so.

Mr. MERRITT. They think it is constitutional?

Mr. DRIVER. Yes, sir. I was in conference with them.

Mr. LaGUARDIA. It would seem the Secretary of the Interior is under a misapprehension.

Mr. DRIVER. Entirely. I may say I discussed this situation in advance. I discussed it with Judge Finney, whose fairness can not be criticized by any man, but in some way he confused the matter with the idea of relief against flood damage. Of course, this has nothing in common with that and relates to the burdens carried by lands that should have been assessed but were not, and will increase the charges against those who were least benefited. Gentlemen, I am obliged to you for your attention. [Applause.]

Mr. CRAMTON. Mr. Speaker, I ask recognition in opposition to the bill.

The SPEAKER. This is a House Calendar bill.

Mr. COLTON. I yield the gentleman 15 minutes.

Mr. CRAMTON. Mr. Speaker and gentlemen, I asked time in opposition; however, I am not sure I would necessarily be in opposition to what the gentleman from Arkansas states he wants to do. I am not at all sure, however, that the bill does what the gentleman from Arkansas wants to do or that it is limited to that. My first impulse was in opposition to the establishment of a precedent to permit the collection of taxes from the Government upon Government property, and that policy we have accepted nowhere as yet. This bill does not seem to constitute such a policy. Then I feared the accumulation of burdens of assessment that would face the entryman when he receives his patent. The gentleman from Arkansas insists that such is not the purpose of the bill; and as to the purposes, as the gentleman himself states it, so far as any comprehension grasps it, I am not opposed.

But I think there is a grave doubt whether there is not something more involved. I have a great deal of confidence in the gentleman from Arkansas [Mr. DRIVER], but he admits that he has not thoroughly considered all those aspects. So far as the bill being drafted by eminent lawyers of his State goes, I have had opportunity to note that very frequently bills which are drawn in very noted law offices do not accomplish what they are intended to accomplish. Our duty is to give it a study here. The department has studied it, and the department is much more familiar than I am in reference to these questions, and they point out certain questions based on the language of the bill. That is what becomes the law—what the bill reads and not the intent of the gentleman from Arkansas or my intention—and they have pointed out things concerning which the committee does not seem to have made any effort to meet the views of the department. I have gone over the bill, and I am not able to read it as stated. For instance, in the first section, that very broad section, which says—

That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, roads, and other improvement districts.

As to that, the Interior Department raises a question about that provision, "other improvement districts," because there is no intimation as to the specific nature of those districts. Certainly the need is great to have what is intended specified. It ought to be specified.

Mr. DRIVER. I will say to the gentleman from Michigan that our roads have been taken over by the State highway commission, and there is no possibility of levies by road districts.

Mr. CRAMTON. That is also referred to in their report with reference to special road taxes. But the bill further says:

The consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee District of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levies and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

I have my doubts whether it is possible for the Federal Congress to cure an act of a State legislature. It is going a long way to attempt to cure defects in State legislation. Then the bill provides:

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser—

Not when he receives the patent, but when he is entitled to a patent for such tract—

and such entryman or purchaser may be entitled to patent therefor.

Then section 2 provides that—

All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed.

Now, if that does not apply to assessments heretofore made against these lands, what does it apply to? There is nothing to indicate but that the word "cured" applies to assessments heretofore made against such lands. Then the section proceeds:

And the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever—

That is to say, the assessments made under State law are hereby cured and confirmed and shall not be set aside on any ground or for any cause whatsoever.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. DRIVER. The gentleman recalls that on page 2, beginning with line 4, there is an express provision that no assessments shall operate against the lands of the United States Government—

nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land.

Mr. CRAMTON. If the gentleman will permit, that applies to the collection of the tax. I think that is clear, that no tax can be collected. But the tax can be levied, and it can accumulate, and all of that; so that my criticism now is that it does not reach just the narrow proposition that the gentleman wants to reach, but is much broader. And then, beyond that, there is an apparent attempt on the part of Congress to legislate upon things that are not within our jurisdiction at all. How can Congress says that assessments under a State law are cured and confirmed, and that no attack shall be made upon them on any ground or for any cause whatsoever? I can see how we can consent, so far as assessments on our land are concerned.

Mr. DRIVER. Would it amount to more than that consent on the part of the Government?

Mr. CRAMTON. We can consent to waive technicalities of which we might take advantage, but we can not prevent others from taking advantage of technicalities.

Mr. DRIVER. We ought to be able to get in.

Mr. CRAMTON. It seems that what the gentleman wants to do does not require much argument, but I do not think the bill is along the exact line that the gentleman has in mind. I have only time in taking up these provisions to call attention to the need of consideration in the form of this bill. My idea is that it either ought to go back to the committee or be passed over for a week, so that in the meantime the gentleman from Arkansas can work out definitely what he wants to do, and not do other things.

When you get to section 4, that requires the sale of these lands on foreclosure to the district and not to anyone else. It may be true that the department has not clearly understood what the gentleman from Arkansas is trying to do, but the department is experienced in these matters, and here is a report that makes definite suggestions, and I do not believe that with our limited experience and the limited amount of consideration we can give to the matter we ought to blindly go against this report.

For instance, the report says in its last paragraph:

Furthermore, I am without information as to the effect of the bill, if enacted, on the interests of the Government of the United States in connection with the efforts now under way to assure against further disasters like that of 1927. While I would not deny to any entryman or claimant or lawful lien holder any right he may have under present law, I very much doubt the advisability of a general waiver by the Government of its title to public lands in the area that will be affected by flood-control legislation. The Government may possibly be required to condemn at considerable cost the lands for which it would receive but $5 an acre under the bill.

I am not going to take time unduly, but I express my opinion that the bill does not accomplish what the gentleman from Arkansas feels it will accomplish, and that it opens up other avenues of doubt.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WELSH of Pennsylvania. Granting that the gentleman's suspicions as to the inadequacy of the legislation are well founded, does the gentleman think any possible harm could arise by reason of this legislation?

Mr. CRAMTON. Yes; I think harm could arise in two ways. First, I am not at all sure it would cure the situation that the gentleman from Arkansas wants to cure, because I do not think it says what he thinks it says. Secondly, I have no idea of the effect it might have upon conditions which the gentleman from Arkansas, and those who drafted the bill, have not taken into consideration at all. Blanket authority is given in section 1:

That the consent of the Government of the United States to the levy of special assessements based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee district of Arkansas, within the State of Arkansas, is hereby expressed and given.

We give broad consent to the levy of special assessments on lands within that district whether the title has passed to the entrymen or not. Now, the gentleman from Arkansas does not expect that they will be levied against the land until title passes, but this does not say that. It says consent is given without regard to the condition of the title and:

The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

My suggestion is that a week's further consideration might greatly benefit the bill and I suggest that the gentleman from Arkansas let it go over to the next Calendar Wednesday of this committee.

I will summarize my objections to the bill in this way: First, I am not sure it will do what the gentleman wants it to do, although I think I worry less about that than I do about other things in the bill; because the gentleman from Arkansas can take care of himself very well. Secondly, I am afraid it will do something that the gentleman does not have in mind and which possibly ought not to be done, such as the assessment of these benefits before the land passes out of the hands of the Government, not that they would have to be paid by the Government, but they would accumulate there and then when title passed they would have to be paid. Third, the rather ridiculous idea of the Federal Government attempting to cure defects of State legislation. They say to confirm and cure State legislation, and they say that landowners shall not have the right to go into court and set up any kind of defense against these assessments.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. As I have understood from the gentleman from Arkansas, the purpose of the bill is to protect the drainage district in attempting to levy assessments against lands after the title is acquired, the Supreme Court now having held that no such levy can be made against lands where the title has passed into private ownership after the creation of the district. Now, does not the gentleman think that the amendment suggested by the gentleman from Arkansas meets the objection he has made?

Mr. CRAMTON. Not at all. The bill is so far-reaching that the limited amendment suggested does not reach it. I think there needs to be much more drastic action as to change in the text of the bill. I understood the gentleman from Arkansas to say that the court has held, for some reason I am not familiar with, that even after the lands in this drainage district or levee district come into private ownership they are still not subject to assessment, and he wants to cure that. I do not see any objection to that being cured, from what I know about it now.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. DRIVER. Possibly I can save time. I would be very glad to get together with the gentleman and undertake to iron out these differences. I understand this committee will have a day next Wednesday; and if that is true, I make the suggestion that this measure be withdrawn at this time, which will enable me to go into conference with the gentleman who is speaking, I know, the policy of the Land Department.

Mr. CRAMTON. I do not want them held responsible, because they have trouble enough now.

Mr. DRIVER. But I believe that is responsible for the attitude of the gentleman on the floor; and if it is, it is entirely commendable.

I will be very pleased to confer with the gentleman and see if we can not obviate the difficulties he has pointed out. I would like to do that. I want the relief and I want it obtained in a way so it can be substantiated.

Mr. CRAMTON. I will say to the gentleman no one is to be held responsible for my acts here but myself. I have not consulted with the Land Office, but I have tried to study out the effect of the bill. I will be delighted to confer with the gentleman, but I am sure there are others he will confer with who will be more helpful.

Mr. DRIVER. I will be pleased to confer with anyone who has an interest in the matter.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DRIVER. Yes.

Mr. LAGUARDIA. If the Supreme Court of the United States has passed upon the rights of certain individuals and has cleared them of any obligation of payment of certain State assessments, can we by an act of Congress reimpose such an obligation?

Mr. DRIVER. That is the opinion of the attorneys who have been in consultation on this matter in a very careful way. It is in the nature of an enabling act that will reach it.

Mr. MERRITT. It perhaps refers only to future assessments.

Mr. DRIVER. Future assessments, and I am willing to limit the bill entirely to that. I will simply say to the gentleman from New York that if this can not reach it, then these landowners will be forced to get under it and pay for the benefits to the land.

Mr. COLTON. Mr. Speaker, from this discussion it is apparent this is a matter of far-reaching importance, particularly to the State of Arkansas, and I am convinced it can be worked out. I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday, a week from to-day, when the Public Lands Committee will have another day.

The SPEAKER. The gentleman from Utah asks unanimous consent that the further consideration of the bill be deferred to-day and that it be in order to proceed with it on the next Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. The date ought not to be fixed, Mr. Speaker.

Mr. COLTON. The next Calendar Wednesday that the Public Lands Committee is entitled to.

The SPEAKER. To the next day that the Committee on Public Lands has the floor on Calendar Wednesday.

Mr. COLTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

BOWDOIN, MONT.

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14925, with Mr. KETCHAM in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That any excess amounts paid by the purchasers of certain town lots in the town site of Bowdoin, Mont., and authorized to be repaid by the act of Congress approved June 8, 1926 (44 Stat. p. 708), shall, upon certification by the Secretary of the Interior, be paid by the Secretary of the Treasury in all cases where the application for refund was received in the Great Falls local land office on or prior to June 15, 1928.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, the sole purpose of this bill is to extend the time during which applications for refunds for excess payments made in the purchase of lots in Bowdoin, Mont., may be made, and during which those excess amounts themselves may be made to those who show they are entitled to them.

The situation is that the town site of Bowdoin, Mont., was established on Government land, and a sale of lots took place. At that time there existed a division point on the Great Northern Railroad, which was later abandoned, and the shops and other buildings were moved away. The lots had been sold partly for cash payments and partly under provision of three annual payments.

With the moving of the division point the situation changed entirely. This Congress passed first a bill that would allow a reappraisal of these lots, and then another bill that would allow a refund of the excess payments that had actually been made above the reappraised prices. A period of two years was then given during which these applications might be received. This period of two years passed with the 15th of last June, but other applications have since been received. I know personally of some cases in which applications were not made within the period through a lack of knowledge that such a law had been enacted.

The entire purpose here is to extend that period of time until the 8th of June of this year, giving them a year from the expiration of the original law.

The bill has the favorable report of the Department of the Interior and of the Budget, and is a matter of simple justice in order to close up these matters and return money that the Government has in its possession and which it states, through actions of Congress and through the favorable report of the department and the Budget, it is not really entitled to keep.

The Clerk read the bill for amendment, with the following committee amendment:

Page 1, line 9, strike out the language "was received in the Great Falls local land office on or prior to June 15, 1928," and insert in lieu thereof "if received on or prior to June 8, 1929."

The committee amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14925, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that as amended the bill do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE ARMY PROMOTION PROBLEM

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 13509, relating to the promotion situation in the Army.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SENSE OF JUSTICE SHOCKED

Mr. McSWAIN. Mr. Speaker, the fact that these emergency officers have been discriminated against by disregarding and flouting of the grades in which they were appointed has appealed to the sense of justice of the American people and is reflected by editorials in numerous newspapers since the matter was brought to the attention of the country. Naturally newspaper editors, Members of Congress, and all persons familiar in the slightest degree with military organization would be shocked to find that officers appointed captains were preceded on the promotion list by officers appointed first lieutenants and second lieutenants, and that officers appointed first lieutenants were preceded on the promotion list by other officers appointed second lieutenants. The very statement of the case shocks the conscience of the disinterested bystander. It suggests that the War Department thinks that there was something wrong with the qualifications of those emergency officers appointed captains and first lieutenants, whereby they should be outranked by

officers 9 or 10 years younger and holding commissions as second lieutenants, while the captains above mentioned held commissions of much higher rank, such as captain and above.

NEWSPAPERS FOR JUSTICE

Some of the newspapers taking notice of this outrageous situation are the Washington Post, by its editorial of December 15, 1928; the Washington Evening Star, by its editorial of December 14, 1928; the Washington Times, by its editorial of December 14, 1928; the New York Times, by its editorial of December 29, 1928; the Newport (R. I.) Daily News of December 26, 1928; the Chattanooga News of January 8, 1929; the Omaha Bee-News of December 24, 1928; the Lakeland (Fla.) Evening Ledger of December 28, 1928; the Spartansburg (S. C.) Journal of January 1, 1929; the Sunday World-Herald, of Omaha, Nebr., of December 30, 1928; the Pittsburgh Post-Gazette of January 4, 1929; and numerous other papers, clippings from which are not before me.

These newspapers would not have been impressed and would not have taken the stand that they have except for the plain and simple conclusion that somebody, either the War Department or the Congress, treated very unjustly and unfairly those emergency officers of the rank of captain and below that entered the Regular Army under the national defense act of 1920. It is plain that there has been a violation of the simple and elemental rules of military organization. If those officers appointed captains and first lieutenants were not qualified to be captains and first lieutenants unreservedly and unconditionally, and to be promoted to become majors above all officers of lower rank, then they should never have been accepted as officers at all.

I quote the following from the study of the War Department, above referred to, found on page 29:

Thus on the day that the original promotion list was formed large numbers of promotions were made under it. This caused many men of long service who had just been appointed as first and second lieutenants to be promoted to the grade of captain, and caused second lieutenants to be promoted to the grade of first lieutenant. It has been frequently stated that in these initial promotions some officers "jumped over" others. This is not the case in the sense that any officer's position on the promotion list was changed. Lieutenants whose positions on the list were above many captains, by virtue of their longer commissioned service, were, under the law, entitled to promotion to existing vacancies and were so promoted. In this process no officer was demoted. Many captains held and continued to serve in that grade in which they had been appointed, although the grade was higher than that commensurate with their length of service and position on the promotion list. Being included in the authorized number of captains they actually operated to prevent or delay the promotion of lieutenants above them on the promotion list.

Note that it is here stated that some of these emergency officers appointed as captains and having an average age of about 37 years on July 1, 1920, actually blocked and interfered with the promotion of junior officers, then holding commissions as second lieutenants and some of them first lieutenants. This statement of the War Department seems almost ridiculous. In other words, in the extreme effort to find arguments to support the existing arrangement of the promotion list they hold that some of these emergency captains were blocking other officers deserving and entitled to promotion over them and that these junior officers of lower grade were not blocking the promotion of these captains.

The logical deduction from the various statements of the War Department, by its study, and by its representative before the Military Affairs Committee of the House is that it was a matter of grace and favor to appoint these older persons as captains. They argue, in effect, that if these older captains had been treated according to their qualifications they would have been appointed second lieutenants. It is the theory of those advocating the present arrangement of the promotion list in the grades of captain, first lieutenant, and second lieutenant that all officers should enter at the bottom of the list as second lieutenants. Therefore, they hold that these older emergency officers, now doomed to be captains as long as they are in the service and until retired at the age of 64 years, have no ground of complaint, because they were gratuitously given commissions as captains when they should have been commissioned as second lieutenants. This logical deduction from the arguments of the War Department is the reduction of its position to an absurdity.

If, however, the Congress will adopt the Wainwright bill, as amended by what is known as the McSwain amendment, justice will be done to those older captains and older first lieutenants, and no injustice will be done to those younger officers who jumped to the rank of captain from that of second lieutenant on July 1, 1920, and are now on the promotion list above those older captains. Why do I say that no injustice will be done those younger officers? Because, as was correctly stated by the Secretary of War in a statement read by him before the Senate Committee on Military Affairs on January 10, 1929, when he used the following language, which is obviously true:

If a policy of promotion on length of service in grade should be adopted without any restrictions (although I am not advocating this), the exaggerated importance of an officer's position on the promotion list would disappear. All would advance in grade upon serving the required period of time. Relative positions on the list would be of slight importance.

Under the Wainwright bill, captains would be promoted to majors at the expiration of a fixed period of time from the date of their commission, irrespective of their position on the promotion list. Therefore, within a few months of each other, all of these older emergency officer captains and all of these younger Regular Army captains will become majors. Then a few years later, within a fixed period of time and within a few months of each other, all of these officers would become lieutenant colonels. That being so, these younger officers that have enjoyed the rank of captain for so many years longer than they would normally have done, would not suffer any serious disadvantage from the rearrangement of the promotion list. It is true that the older officers, when they all become majors and lieutenant colonels, will outrank these younger officers, as they should. We must assume, as we are obliged to do, that all of these officers have the same average intelligence and the same average education. These factors being equal, the officer with the greater age, the greater experience, and, therefore, the greater knowledge, is better prepared to command battalions and regiments. Furthermore, the older officer presumably has the larger and more advanced family and is, therefore, entitled to the larger house on the post. In the absence of the commanding officers, the older officer should naturally take command. These things that seem immaterial to civilians, are very dear to the hearts of military men, and are the incentive and motive for their efforts to efficiency and fitness. If we disregard them to the detriment and discouragement of these older emergency captains, we commit an injustice that can never be cured.

No better argument could be made respecting the rank and grade in the arrangement of the promotion list than was made by Col. Thomas M. Spaulding in a statement that he made before the Committee on Military Affairs of the House of Representatives on February 5, 1920, at page 2038 of volume 2 of the hearings. I quote this part of his language:

But we can not put men who are appointed as lieutenant colonels or majors in according to their commissioned service. They can not afford to come. A man who is good enough and old enough to be appointed as lieutenant colonel, for instance, yet has only had, perhaps, two years' or three years' service in the Army. Nobody could have had more than three years' service under an emergency commission. A man we take and appoint lieutenant colonel or major can not be put among Regular Army officers with only two or three years' service. It would not be reasonable to appoint him lieutenant colonel and say he shall have no promotion until after some whom you make first lieutenants. So this provision is that these people who are selected for appointment as lieutenant colonels and majors shall be put on the list along with all the other lieutenant colonels and majors in the Army.

If officers of suitable age and experience could not be expected to accept positions as lieutenant colonels and majors without any reasonable prospect of promotion, if their names had been arranged according to length of commissioned service, and if thus they had been placed on the list below captains, first lieutenants, and second lieutenants, then the same argument with equal or greater force applies to these emergency captains especially who had held that rank or higher rank during the World War and were commissioned as captains on July 1, 1920. The captains thus commissioned in the Regular Army were, on an average, about 37 years of age, whereas the captains of the Regular Army at the same time were, on an average, of about 28 years of age. Under the law no person under 36 years of age could be appointed a major, and, as a matter of fact, the average age of majors appointed was about 43 years.

Applying the same argument to these captains, and, in fact, also to the first lieutenants who had been emergency officers and were commissioned first in the Regular Army after the passage of the national defense act of June 4, 1920, how could we expect men of their age and experience and education, both in war and in peace, to be willing to accept positions on the promotion list below persons of one or two grades lower in rank? It is plainly admitted by all persons having the information, and, in fact, by the study which the War Department

made and reported to Congress on that subject, as will appear by reference to page 73 of parts 1 to 3 of the hearings before the House Military Affairs Committee on promotion and retirement, that the emergency officers who accepted commissions in the Regular Army were ignorant of the interpretation that the War Department would put upon the law, and these emergency officers expected to be placed upon the promotion list according to grade. Again, on page 23 of said study of the War Department, we find this admission:

> The law evidently seemed clear and unmistakable, in its intent to those persons in Washington charged with carrying out its provisions. It later developed that the law was not so clearly understood by the two above-mentioned classes of boards or by the candidates.

Undoubtedly, not only were the emergency officers surprised to find themselves preceded on the promotion list by first lieutenants and second lieutenants, but the country generally was surprised, as was General Harris, then The Adjutant General of the Army, and numerous other prominent Army officers.

There is one part of the above study of the report of the War Department which, it seems to me, not only is self-condemnation by the War Department, but constitutes a serious indictment of the ability and character of these emergency officers who are complaining that they have been unfairly and unjustly surprised by the manner of the arrangement of the promotion list. The language that I refer to is found on page 23 of the same compilation under the general head of Promotion and Retirement, and is as follows:

> The examination was regarded and was so devised as to serve primarily as a test merely of the applicant's suitability for appointment as a commissioned officer of the Regular Army, and, secondarily, to determine the grade in which to appoint him and in which he should serve until such time as the new promotion list was formed, and he became due for promotion in accordance therewith. It seems clear from the law, although it does not seem to have been generally understood by the appointees, that (1) the examination of candidates and their appointment in various grades, and (2) the placing of these appointees on the promotion list were two entirely distinct and separate operations, the latter being entirely independent of the grade in which appointed—except for a few persons appointed in field grades—and being solely according to the length of commissioned service.

This amounts to a condemnation by the War Department of its own incompetency and inefficiency when it says that the examinations conducted by it were no proper and fair test of the qualifications of the officers. The instructions plainly and distinctly stated that the examining boards should consider all the qualifications of the candidate and especially with reference to the rank for which he was applying. The boards conducted the examinations and made their reports after exhaustive studies. The most valuable information in the former service records of these officers was in the possession of the boards and of the War Department.

These officers had been in the United States Army for at least two years, and some of them for three years and more. For the War Department now to say that these examinations were not bona fide and were not searching and were no test in reality, is a confession of its own inefficiency, that it ought not be allowed to make. It is an excuse that has been thought of subsequently for the purpose of making plausible the acts that were then performed. I do not believe that the boards of officers that conducted these examinations relish this impeachment of their qualifications and good faith.

In the next place, the statement above quoted is a very grave charge by insinuation and innuendo, that these emergency officers that had served the Government through the war for a period of from two to three years and stood rigid examinations and accepted commissions in the Regular Army, usually one or two grades below the rank that they held in the emergency Army, were not in fact and in reality qualified for the commissions that were tendered them. Just how the board arrives at any such conclusions is hard for me to find. I can not see how the board concludes that junior officers, 9 or 10 years younger, who had stood no examination since their original commission in the haste of getting ready for war, were better qualified mentally and morally to hold commissions in the grade of captain and above captain than the emergency officers. We need not blind ourselves to the facts with regard to how most of the young men, all of them under 27 years of age, obtained commissions as provisional second lieutenants. We know that as a class they were very young, just out of school or college, not married, and within the limits of the first draft law. We know that a great many of them were commissioned outright from civil life before they had ever had on a uniform and before they knew the simplest and most elemental facts of the military art. We know that large numbers of them received their training during the first officers' training camp and during the second officers' training camp alongside of those civilian candidates for commissions as emergency officers.

Therefore, for the War Department to undertake to argue that the arrangement of the promotion list for captains and first lieutenants and second lieutenants is justified on some principle and state of facts behind and beyond the mere arbitrary and meaningless standard of length of commissioned service, is a severe indictment of its own conduct of its business and a slur upon the ability and the character of the emergency officers that constituted the larger part of our fighting officer personnel, and came into the Regular Army upon the invitation of the country through its Congress when it was decided to double the defense forces of the Army.

ORIGIN AND DEVELOPMENT OF THE OFFICE OF ATTORNEY GENERAL (H. DOC. NO. 510)

The SPEAKER laid before the House the following message from the President of the United States which was read, referred to the Committee on the Judiciary, and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a manuscript entitled "Origin and Development of the Office of Attorney General, the Establishment of the Department of Justice, and their relation to the Judicial System of the United States," which has been prepared in the office of the Attorney General.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 16, 1929.*

LASSEN VOLCANIC NATIONAL PARK, CALIF

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Utah calls up the bill 11406 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, there will be opportunity to bring out the information that we want in the House, as the gentleman has an hour.

Mr. COLTON. Yes; I will be glad to yield time.

The SPEAKER. If the bill is considered in the House, it will be under the 5-minute rule.

Mr. CRAMTON. As long as the gentleman from Utah is agreeable to such discussion as may bring out the information wanted under the 5-minute rule, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when the public interests will be benefited thereby, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national-park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the exterior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided,* That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

Mr. CRAMTON. Mr. Speaker, I would like some information with reference to this bill. I think I understand the purpose of the bill, which is to permit the exchange of Government-owned land that is not in a conspicuous place in the park but in a place where the cutting of a certain amount of timber under proper regulations would not be very undesirable—to trade those lands for privately owned lands that are in sections of the park where the cutting of timber would be quite disastrous to the beauty of the park.

This matter of privately owned lands in national parks is one that we have been giving quite a bit of attention to, and the pending Interior Department appropriation bill carries a very important provision making possible the elimination of all privately owned lands in the national parks, with an initial appropriation of $250,000, and with contracts for greater amounts authorized.

Of course, under the program proposed in that appropriation bill the Government will retain the lands that it now owns and will proceed to buy such privately owned lands as this bill has reference to. I would like to think that this bill would be only an authorization and that it would not be contemplated, if this bill should became a law, that the department would necessarily proceed with these exchanges. I am not sure that it is going to be desirable, now that we have entered on a program of buying the lands, to make a trade and let the lumber company go on and cut certain lands that we are later going to buy back from them. I do not want to oppose the bill, because the need of cleaning up these private holdings in the national park is so urgent, and in some cases so acute, that any desirable authority ought to be given the department. I realize that at the time this bill was introduced and at the time it was reported there was no assurance of money being available to purchase the lands, and so the first question I ask is whether, if this bill becomes a law, it will be understood that it is not the intention thereby to direct the department to proceed with these transfers but simply give the department a discretion which we expect they will exercise in the light of the newer program of acquisition. Am I correct about that?

Mr. ENGLEBRIGHT. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has stated that at the time this bill was introduced we were faced with the problem of private holdings in many of the national parks, and particularly in Lassen National Park, pertaining to individual timber holdings. The bill was introduced with the idea of correcting that feature. Last year it was on the Consent Calendar, and I requested that it be removed from the Consent Calendar with the hope that the legislation the gentleman from Michigan refers to regarding the purchase of private holdings in national parks would be made a reality. Since that has taken place, I see really no purpose to further proceed with this bill, and I should not object to having it taken from the calendar. I am in sympathy with the gentleman's views, and that is that the National Park Bureau should have control over all these private holdings and that no cutting at all should take place in these beautiful timbered areas.

Mr. CRAMTON. Let me ask the gentleman from California whether there is any situation that this contemplates which is urgent; whether there is any cutting of this timber likely to come within the current season?

Mr. ENGLEBRIGHT. Not at all.

Mr. COLTON. Mr. Speaker and gentlemen of the committee, while this bill and this subject are before us, it seems an appropriate time to say a few words with respect to our national parks. It is taking us a long time to work out a definite policy. I think this bill and the general legislation to which reference has been made is a step in the right direction, but, after all, we have not yet reached a place where we may say that we have a definite policy regarding our parks. There are something like 13 bills now pending before the Public Lands Committee for the creation of national parks. I hope before long to see a policy adopted, at least some definite pronouncement on the part of Congress, regarding the future creation of national parks. We have bills creating parks in the bad lands of the West and in many parts of the United States. We have a very efficient bureau that has charge of our national parks.

We have been fortunate in having at the head of the Park Service one of the finest men in the country for the last decade or more. Hon. Stephen T. Mather has rendered a great service to this Nation. Unfortunately his health does not permit him to continue, but there has been a very fortunate choice made in the appointment of his successor. Horace M. Albright brings to the position of director ability and an enthusiasm which means splendid service and success for the future. Whether or not the parks are to be created in conformity with a definite plan worked out by some great architect, or whether we will take the matter of parks up promiscuously and deal with them in a haphazard way, is one of the problems that is before us now.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. WOODRUFF. The gentleman has spoken of a great number of bills before his committee for the creation of additional national parks. Is there any bill pending before his committee to extend the boundary of the Yellowstone National Park in Wyoming?

Mr. COLTON. There is legislation pending before our committee for the inclusion of certain lands in Wyoming in the Yellowstone Park or the creation of a new park in the Tetons.

Mr. WOODRUFF. I have heard of that. Could the gentleman inform the House as to the reasons why it is proposed to include these additional lands in this particular park?

Mr. COLTON. It is felt by those who are advocating the legislation that the area is up to the park standards; that the lands are wonderful and should be made a national park; and that the logical thing to do is to either change the boundary lines of the Yellowstone National Park and include these lands within it or make a new park.

Mr. WOODRUFF. How much additional land is proposed to be incorporated in the park by this particular legislation?

Mr. COLTON. The gentleman from Wyoming [Mr. WINTER] is here, and he can probably answer the question.

Mr. WINTER. About 350,000 acres.

Mr. WOODRUFF. And what is the acreage in the present park?

Mr. WINTER. Three thousand five hundred square miles.

Mr. WOODRUFF. How many additional square miles would this proposed extension mean?

Mr. WINTER. I will figure that out.

The SPEAKER. The time of the gentleman has expired.

Mr. COLTON. I ask for an additional five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, if the gentleman will just let me add this in addition to what the gentleman from Utah stated. This proposed change in the boundaries of the Yellowstone Park, as I understand, is to carry out the recommendations of the coordinating committee, which made a study with considerable care in reference to making the boundaries of the park conform in a more desirable way with the topography of the country. For instance, because of a range of mountains certain areas may be quite inaccessible, except from the park, or vice versa. It may be desirable therefore to exclude that on the other side and to bring in other land that can be better administered in connection with the park.

Mr. COLTON. The gentleman is right.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. TILSON. Is not all the land which it is contemplated including within the Yellowstone National Park now national forest land?

Mr. WOODRUFF. I had not so understood.

Mr. TILSON. Is any of it private land?

Mr. WOODRUFF. I could not say.

Mr. TILSON. I had supposed it to be all public lands.

Mr. WOODRUFF. I think they are public lands.

Mr. CRAMTON. The work of this coordinating commission, which included the gentleman who at that time was head of the Forest Service, Colonel Greeley, and the gentleman who at that time was head of the Park Service, Mr. Mather, together with others, named for that purpose by the President, the original proposition was to coordinate as between the Park Service and Forestry Service, and that is the result which is before Congress.

Of course it has, in addition, a very important feature that, to my mind, makes it highly important; that is, the bill reported out by the Public Lands Committee. It not only would make effective the agreement arrived at by these highly specialized and able men—and which, I should say, had as chairman our colleague from Pennsylvania [Mr. TEMPLE]—it not only would carry into effect their recommendations that are highly desirable but would also provide for the creation of the Grand Teton National Park. Anyone who has ever seen the Teton Range in Wyoming would immediately become an enthusiast for the preservation of that great scenic area as a national park. The dividing line between what should be a national park and a State park is not always easy to determine. There have been a multitude of measures before the Committee on the Public Lands to create national parks where there should be State parks instead, if anything; but this Teton situation is a case where there was a great deal of local pride in the State and a great deal of sentiment favoring the creation of a State park out of the Teton Range. I am delighted that the attitude of the State has changed and that they are now agreeable to the creation of a national park, because the Teton Range is of such rare beauty that it is of strictly national-park caliber and ought to be so administered.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. TILSON. Does this contemplated addition include the wild territory far to the east of Mammoth Springs, for instance, that is supposed to contain the wild herd of buffalo, or at least a wild herd of buffalo? Is it proposed to take in so much territory as to include this very wild region?

Mr. CRAMTON. I do not know whether any great addition is made to that section of the park. The gentleman from Wyoming [Mr. WINTER] would know better about that.

Mr. TILSON. I had understood that there is a herd of wild buffalo there, apparently the only extant herd of buffalo that is wild and not cared for.

Mr. WINTER. I am inclined to think that that area is not included in the present bill. The gentleman is speaking of what is known as the upper thoroughfare and upper Yellowstone River country. That is stocked with elk. That is in the proposed extension.

Mr. CRAMTON. The Grand Teton Range, those saw-tooth areas, with their ragged teeth, with the adjacent country, ought to be preserved as a national park. Personally I would rather see it made a part of the Yellowstone Park because they are not far apart. But the agreement that seems to be arrived at by the friends of the movement is for the creation of a separate park. I do not think it would hurt to speak frankly for a moment in connection with that bill. I know of no opposition to the changes suggested as to the boundaries of the Yellowstone Park that we have been discussing. I know of no objection now to the creation of the Grand Teton National Park. Then why is it that that bill is not reported to this House? It is before the Committee on the Public Lands. Why is it that it is not reported to the House? I do not want to embarrass the chairman of the committee, and I do not want to embarrass my good friend from Wyoming; and inasmuch as I am not subject to embarrassment myself, I am willing to state the reason for it.

Mr. WINTER. In the first place, the gentleman is in error in his statement that there is no objection on the part of anybody to this proposed extension. There is a very decided objection and has been at all times. There have been received in my office very recently in the last few days some very drastic resolutions from numerous bodies of persons and petitions signed numerously in the region of Cody and elsewhere against the inclusion of the thoroughfare and upper Yellowstone in the park.

Mr. LAGUARDIA. Are there any dude rangers there from my city?

Mr. WINTER. One of the dude rangers is established in that region, and he is very much in favor of the extension.

Mr. LAGUARDIA. I am glad to hear that.

Mr. CRAMTON. I regret that any of that hostility has continued. I had supposed that at least, so far as the gentleman from Wyoming is concerned, he would be entirely in sympathy with the change.

Mr. WINTER. The gentleman will find in the RECORD that three years ago I made an extended statement in favor of the extension as reported by the President's special commission, to which the gentleman has referred, with certain amendments I proposed.

Mr. CRAMTON. I think that is the reason why I have gone as far as I have gone in my statement.

Mr. WINTER. There is another point that ought to be brought out, and that is that the recommendations made by the commission referred to the north, east, and south boundaries of the park. There is an exclusion and extension on the west side that has been at issue for six or eight years. That is another reason why the bill has not been reported out.

Mr. CRAMTON. That was the reason I was going to assign. I see no difficulty about passing that important Yellowstone-Teton bill were it not for the fact that elements in the State of Idaho are acting in dog-in-the-manger fashion. They want to get control of the Beckler Meadow region and use it for irrigation purposes. They want to have it excluded from the park. Whether it is of a character that would justify its exclusion, or whether it is of such a scenic character that it ought to be retained in the park, I do not know.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, so much of my time has been taken that I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Congress does not know. Congress has not before it a report from a disinterested commission with the experience and capacity to command the confidence of Congress. Now, that is something that can be handled as we get to it. There is nothing to prevent this same coordinating commission from making an inspection of that southern and western boundary, as it has already done of the other boundaries, and making its report. Then Congress, with that report of capable experts who are disinterested before it, can act intelligently on the Beckler Meadow situation. But to say that until Congress sees fit to surrender to the demands of the Idaho irrigationists we can have no legislation affecting the Yellowstone National Park puts the people of Idaho in a very undesirable attitude before the Congress and does not tend to promote the final accomplishment of their desire.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. COLTON. As far as I am informed there has been no one objecting to this legislation before the Committee on Public Lands. At any time that a demand is made by the author of the legislation we will consider the matter. Can the gentleman tell the committee whether or not the commission to which he has referred may now function? Will it not take an additional appropriation? What would be necessary to authorize the commission to consider the proposition of the Beckler Basin?

Mr. CRAMTON. Well, I think they would need the assurance of an appropriation for that purpose and very possibly a legislative resolution would be required.

I think I ought to say this in justice to the gentleman from Idaho [Mr. SMITH], that what I have said, if it be in criticism of anyone, is not to be taken at all as any criticism of the gentleman from Idaho. I had some conferences with him in reference to this matter and had hoped to be able to cooperate with him in providing funds that would enable such a study to be made as I have discussed. I think it is entirely proper for me to say that the attitude of the gentleman from Idaho was very generous and fair in the matter, and if we had no one else except the gentleman from Idaho [Mr. SMITH] to consider there would have been no difficulty about making progress in this matter, but there were difficulties which arose in other places that it is not parliamentary to discuss.

Mr HASTINGS. I want to ask the gentleman from Wyoming whether there are any private lands included in this proposed extension. It has been stated they were forest lands, but it has not been stated whether or not there are no lands in private ownership.

Mr. WINTER. There are some lands in private ownership.

Mr. HASTINGS. That is what I rather suspected.

Mr. WINTER. But the amount is infinitesimal compared to the total.

Mr. COLTON. I will say to the gentleman from Oklahoma that I think I can now say it is the policy of the Public Lands Committee not to report any more bills creating parks until the private lands within the proposed area are acquired. Mr. Speaker, I understand it is the desire of the gentleman from California not to have action taken to-day.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask that the bill go over for further action.

Mr. BANKHEAD. Mr. Speaker, that can not be done under the Calendar Wednesday practice.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday when the Public Lands Committee has the call.

The SPEAKER. The gentleman from Utah asks unanimous consent that the present consideration of this bill be deferred until the Committee on the Public Lands has the call on Calendar Wednesday. Is there objection?

Mr. HASTINGS. Mr. Speaker, reserving the right to object, is it the purpose of this committee to use the next Calendar Wednesday, unless it is set aside?

Mr. COLTON. The committee has several bills to be considered and we will take at least a part of the day, if not all of it.

Mr. HASTINGS. The gentleman intends to go on, so far as he now knows, on next Calendar Wednesday?

Mr. COLTON. So far as I know, yes.

Mr. BANKHEAD. May I ask the gentleman from Connecticut whether it is his intention to take up the independent offices bill to-morrow?

Mr. TILSON. It is.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I present a conference report on the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON for four days, on account of official public business.

To Mr. SPEAKS, for two days, on account of illness.

ADJOURNMENT

Mr. COLTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 17, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 17.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufacturers of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

To amend the classification act of 1923, approved March 4, 1923 (H. R. 16168).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

Relating to the enforcement of the contract labor provisions of the immigration act of 1917 (H. J. Res. 312).

EXECUTIVE COMMUNICATIONS, ETC.

745. Under clause 2 of Rule XXIV, a letter from the Public Printer, transmitting annual report of the Public Printer, 1928 (S. Doc. No. 168), was taken from the Speaker's table and referred to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on Appropriations. H. R. 16301. A bill making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2099). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15721. A bill validating certain applications for and entries of public lands, and for the relief of certain homestead entrymen in the State of Colorado, and for other purposes; without amendment (Rept. No. 2100). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15724. A bill to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; with amendment (Rept. No. 2101). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. J. Res. 356. A joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; with amendment (Rept. No. 2102). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 15577. A bill to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; without amendment (Rept. No. 2113). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUSHONG: Committee on Claims. H. R. 15892. A bill for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; with amendment (Rept. No. 2114). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on Irrigation and Reclamation. H. R. 15918. A bill to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes"; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; without amendment (Rept. No. 2116). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 12475. A bill for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; with amendment (Rept. No. 2103). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2659. A bill for the relief of Annie M. Lizenby; with amendment (Rept. No. 2104). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 12548. A bill for the relief of Margaret Vaughn; without amendment (Rept. No. 2105). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 13734. A bill for the relief of James McGourty; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 14728. A bill for the relief of J. A. Smith; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 14897. A bill for the relief of Matthias R. Munson; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 15292. A bill for the relief of the First National Bank of Porter, Okla.; with amendment (Rept. No. 2109). Referred to the Committee of the Whole House.

Mr. ANDREW: Committee on Naval Affairs. S. 3327. An act for the relief of Robert B. Murphy; with amendment (Rept. No. 2110). Referred to the Commitee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 4454. An act for the relief of Jess T. Fears; without amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15833) granting a pension to Lizzie Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16267) granting a pension to Harriet I. Van Camp; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 16301) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MILLER: A bill (H. R. 16302) to extend the time for completing construction of the bridge across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 16303) extending the provisions of the pension laws relating to Indian war veterans to Capt. H. M. Hodgis's company, and for other purposes; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 16304) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. GRIEST: A bill (H. R. 16305) for the relief of present and former postmaster and acting postmaster, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 16306) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 16307) to permit the granting of Federal aid in the improvement of highways which lead directly to or from publicly owned bridges which are operated as toll bridges until the cost of their construction is reimbursed; to the Committee on Roads.

By Mr. ADKINS: A bill (H. R. 16308) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Roads.

By Mr. BERGER: A bill (H. R. 16309) providing for the election of Representatives by proportional representation; to the Committee on the Judiciary.

By Mr. GILBERT: A bill (H. R. 16310) to license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any loans, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16311) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 16312) to amend the act approved July 2, 1926 (44 Stat. 784), relating to the procurement of aircraft supplies by the War Department and the Navy Department; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16313) regulating the payment of pensions to guardians; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 16314) to amend section 198 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 16315) to amend the first subdivision of section 4 of the naturalization act; to the Committee on Immigration and Naturalization.

By Mr. W. T. FITZGERALD: Joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War; to the Committee on Invalid Pensions.

By Mr. CRAIL: Joint resolution (H. J. Res. 380) providing for the placement of ex-service women in the new barracks at Pacific Branch National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KORELL: Joint resolution (H. J. Res. 381) to prohibit the exportation of arms, munitions, or implements of war to nations violating "the pact of Paris"; to the Committee on the Judiciary.

By Mr. FISH: Joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 383) to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England; to the Committee on Foreign Affairs.

By Mr. MAAS: Joint resolution (H. J. Res. 384) to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France; to the Committee on Foreign Affairs.

By Mr. KNUTSON: Joint resolution (H. J. Res. 385) for an economic survey of Porto Rico; to the Committee on Insular Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 386) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929; to the Committee on the District of Columbia.

By Mr. STOBBS: Resolution (H. Res. 288) appointing a special committee from the Judiciary Committee to inquire into the administration of the bankruptcy laws in the southern and eastern judicial districts of the State of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16316) for the relief of Oscar LeGrand; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 16317) granting an increase of pension to Louise C. Staples; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 16318) granting a pension to John O. Vanmeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Camila D. Purinton; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16320) for the relief of Charles A. McAndrews; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 16321) granting an increase of pension to Lydia A. Kean; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16322) granting an increase of pension to Jane Smith; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 16323) granting an increase of pension to Carrie E. Keepers; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16324) granting a pension to Charles H. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 16325) granting a pension to Florence Link Stonebarger; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 16326) granting a pension to Maggie L. Gibson; to the Committee on Pensions.

By Mr. HILL of Washington: A bill (H. R. 16327) granting a pension to Felix Shaser; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 16328) for the relief of Frank Woodey; to the Committee on Naval Affairs.

By Mr. HOOPER: A bill (H. R. 16329) for the relief of Verl L. Amsbaugh; to the Committee on Claims.

By Mr. MORTON D. HULL: A bill (H. R. 16330) granting an increase of pension to Catharine M. Bear; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 16331) granting an increase of pension to Olive Dixon; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16332) granting an increase of pension to Jefferson Jackson; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 16333) granting an increase of pension to Harriet Comfort; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 16334) granting a pension to Alma Kash; to the Committee on Pensions.

Also, a bill (H. R. 16335) granting an increase of pension to William W. Cook; to the Committee on Pensions.

By Mr. LEA: A bill (H. R. 16336) for the relief of Johan Knudsen; to the Committee on Claims.

By Mr. NIEDRINGHAUS: A bill (H. R. 16337) granting a pension to Emma Pierce; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 16338) granting an increase of pension to Agnes Deem; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16339) granting a pension to Sarah E. M. Ferguson; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16340) granting an increase of pension to Elizabeth Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16341) for the relief of Alfred Harris; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 16342) for the relief of Clyde H. Tavenner; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 16343) granting a pension to Jacob T. Arrasmith; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16344) granting an increase of pension to Margaret A. Rudolph; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8249. By Mr. ABERNETHY: Petition of Ross Giddens, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8250. Also, petition of Col. Edgar Bain, president of Kiwanis Club, Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8251. Also, petition of Roy Armstrong, superintendent of city schools, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8252. Also, petition of J. T. Jerome, superintendent of county schools, Wayne County, N. C., in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8253. By Mr. BOYLAN: Resolution adopted by New York Commandery of the Naval Order of the United States, favoring the naval cruiser bill; to the Committee on Naval Affairs.

8254. Also, petition from veterans at Castle Point Hospital No. 98, Castle Point, N. Y., requesting legislation favoring compensation for veterans suffering with tuberculosis; to the Committee on World War Veterans' Legislation.

8255. Also, resolution adopted by the West Point Society of New York, favoring the Black-Wainwright bill (S. 3089 and H. R. 13509); to the Committee on Military Affairs.

8256. By Mr. CONNERY: Resolution of Local No. 3, Amalgamated Lithographers of America; to the Committee on Ways and Means.

8257. By Mr. CRAIL: Petition of Roosevelt Auxiliary, No. 5, United Spanish War Veterans, of Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on World War Veterans' Legislation.

8258. By Mr. EVANS of California: Petition of Roy Smith, of Glendale, Calif., and 85 others, in support of restrictive immigration, known as the Box bill; to the Committee on Immigration and Naturalization.

8259. By Mr. GOLDSBOROUGH: Petition of Dorchester Post, No. 91, Department of Maryland, American Legion, favoring the World War veterans' act and amendments thereto requiring that compensation shall be granted only in cases where the death or disability can be shown to have been incident to the service; to the Committee on World War Veterans' Legislation.

8260. By Mr. MEAD: Petition of New York Commandery of the Naval Order of the United States, indorsing the cruiser bill; to the Committee on Naval Affairs.

8261. By Mr. MILLER: Memorial of senate and house, State legislature, State of Washington, memorializing the Congress of the United States to pass adequate legislation for a protective tariff on lumber and shingles; to the Committee on Ways and Means.

8262. By Mr. O'CONNELL: Petition of the New York Commandery of the Naval Order of the United States, favoring the construction of the 15 cruisers; to the Committee on Naval Affairs.

8263. Also, petition of the Indian Rights Association of Philadelphia, favoring the passage of House Joint Resolution 374, for investigation of Indian affairs; to the Committee on Rules.

8264. Also, petition of Richard G. Krueger, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8265. Also, petition of Barron G. Collier, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8266. Also, petition of the Darlington Fabrics Corporation, of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8267. Also, petition of the Corticelli Silk Co., of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8268. Also, petition of F. G. Montabert Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8269. By Mr. QUAYLE: Petition of National Beauty and Barbers Supply Dealers' Association, of New York, N. Y., favoring the passage of the Capper-Kelly bill (H. R. 11 and S. 1418) known as the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8270. Also, petition of West Point Society of New York, favoring the passage of Senator Black's bill (S. 3089) and the Wainwright bill (H. R. 13509) as amended by Congressman McSWAIN; to the Committee on Military Affairs.

8271. Also, petition of New York Commandery of the Naval Order of the United States, favoring the passage of the cruiser bill; to the Committee on Naval Affairs.

8272. Also, petition of Dixie Post No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8273. Also, petition of the Corticelli Silk Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8274. Also, petition of Darlington Fabrics Corporation, of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8275. Also, petition of F. G. Montabert Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8276. Also, petition of Barron G. Collier (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8277. Also, petition of I. Mittlemann & Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8278. Also, petition of Richard G. Krueger (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8279. Also, petition of Edmund Wright-Ginsberg Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8280. Also, petition of the Magee Carpet Co., of Bloomsburg, Pa., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8281. Also, petition of New York Zoological Society of New York City, urging the passage of a Senate bill to acquire areas of land and water which may furnish perpetual reservations to aid in the adequate preservation of migratory game birds; to the Committee on Agriculture.

8282. By Mr. WYANT: Petition of Marilao Auxiliary No. 33, Veterans of Foreign Wars, advocating passage of House bill 9138; to the Committee on Pensions.

SENATE

THURSDAY, *January 17, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art from everlasting to everlasting, ancient of days yet ever new; all things wax old as doth a garment, but Thou art the same and Thy years shall not fail.

Thou hast made us heirs of all the ages as we stand at the confluence of time. Show us, therefore, how we may better serve Thee with what we have, and help us to serve Thee further by patience amid our disabilities.

Look down with pity upon all who are stricken by grief; remember those in pain who must so soon take up again their weary burdens, and grant that in this new day each child of Thine, finding something of the comfort of Thy love, may give thanks unto Thee, whose mercy endureth forever. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., with amendments, in which it requested the concurrence of the Senate.